

FIRING WOODS.

*AN ACT to prevent the damages which may happen by firing of woods.**

1. Fine for firing woods—mode of recovering.
2. Offender liable for private damages.
3. Mode of recovering private damages.
4. Persons may fire on their own farms.
5. Owner responsible for offences of slave under this act.

Be it enacted by the Legislature of the territory of Louisiana, [as follows.]

1. Whosoever shall at any time wilfully set on fire any woods, marshes or prairies whatsoever, within this territory, so as to occasion any loss, damage or injury to any other person, every person so offending, and being thereof legally convicted, in the court of quarter sessions of the district where the offence is committed, shall pay a fine not exceeding three hundred dollars, nor less than fifty dollars, the one half of such fine to be paid to the prosecutor, and the other half to the district treasurer, for the use of the district.

2. Every person so offending as thereby to occasion any loss, damage or injury to any other person, shall be and is hereby declared liable to make satisfaction for the same, in an action or actions on the case, to be brought by the party grieved, in any court of record within this territory, having competent jurisdiction.

3. When any party is injured, and shall not demand above twenty dollars for his loss or damages, it shall and may be lawful for such person to apply to any justice of the peace of the district where the offence is committed, who is hereby empowered and required by his warrant to cause the party offending to be brought before him, or some other justice of the peace of the same district; and if, upon examination, it shall appear to the justice by the testimony of one or more credible persons, that the defendant is guilty of the charge exhibited against him, then the said justice shall issue his warrant to three householders of the township, commanding them in the presence of the defendant, if he will be present, to view the place or thing damaged, or inquire into the loss sustained by the plaintiff, and to certify to the said justice upon their oath or affirmation, what damage in their judgment the plaintiff has sustained by occasion of the premises; and upon the return of such certificate to the said justice, he is hereby directed to grant execution for the recovery of the said damages, together with costs of prosecution, as is usual in the recovery of debts under twenty dollars.

4. Nothing in this act shall be construed so as to prevent any person or persons from setting on fire any rubbish, leaves, or brush, or prairies on his, her or their farms or plantations, as often as occasion may require, if the same be done without setting on fire the adjacent woods or prairies. And whensoever any person shall wilfully set on fire any woods, marshes, or prairies, every person so offending shall be fined not exceeding one hundred dollars, although no private injury should ensue.

5. Where any offence shall be committed against this act, by any slave or servant, without the knowledge or consent of the master or mistress, the master or

mistress shall be responsible therefor, and no further.
The foregoing is hereby declared to be a law of the territory of Louisiana, to take effect and be in force, from and after the first day of January next.

November 2, 1808.

CHAPTER 65.

CRIMES AND PUNISHMENTS.

CHAP. 1, 80, 91, 168, 211, 223.

*AN ACT for the punishment of certain crimes.**

1. Murder—punishment.
2. Body of offender may be delivered to surgeon for dissection.
3. Penalty for rescuing body of offender.
4. Mis-prison of felony—what deemed—how punished.
5. Manslaughter—how punished.
6. Justifiable homicide.
7. Voluntary homicide.
8. Rape, what deemed and how punished.
9. Arson, what deemed and how punished.
10. Horse stealing, how punished.
11. Burglary, what deemed—breaking houses and attempting to steal, how punished—breaking houses and stealing, how punished—breaking, and personal abuse and force, how punished—if death ensue, parties guilty of murder.
12. Robbery, what deemed and how punished—if with personal violence, how punished.
13. Maiming, what deemed and how punished.
14. Forgery, what deemed and how punished—aiders deemed principals—forging seal of territory, how punished.
15. Stealing or falsifying records, how punished—proviso.
16. Larceny, what deemed—first offence—how punished—second offence.
17. Receiving stolen goods, how punished.
18. Perjury and subornation of perjury, how punished.
19. On indictment for perjury, how the offence to be laid.
20. For subornation of perjury, how the offence to be laid.
21. Bribery, what deemed and how punished.
22. Obstructing the execution of process, how punished.
23. Rescue of persons convicted of capital crimes

how punished—rescue in certain other cases how punished.

24. Compounding offences, penalty for—proviso.
25. Unlawful assemblies, fines on, how appropriated—dispersion—peace committatus—penalty for refusing to aid in dispersing rioters—killing rioters—obstructing authority.
26. Usurpation of office—how punished.
27. Assault and battery, what deemed and how punished.
28. Fraudulent deeds void—punishment for making.
29. Obtaining goods by fraudulent pretences, how punished.
30. Hog stealing, what deemed, how punished—proviso.
31. Bigamy, what deemed—how to be punished—when to be tried—in case of absence for seven years—in case of divorce—within the age of consent.
32. Children and servants refusing to obey, how to be dealt with and how punished.
33. Imprisonment for costs—jury may find private damages.
34. Property of offender bound from his arrest—rule of evidence—prisoners may be put to labor—a person wounded in one district and dying in another, offender may be prosecuted in either.
35. This act to extend to free persons only—slaves punished at discretion of court, except for arson or murder, and with death for them—in case of rape, slaves how punished—extent of this act.
36. Clerks to issue execution for fines—sheriff to collect.
37. List of jury for accused—counsel assigned—compulsory process for witnesses.
38. Prisoner standing mute, or challenging more

*Repeated R. L. 1825, page 500 sec. 13.

*Repeated, R. L. 1825, p. 500, sec. 13.

the territory; and be whipped on his or her naked back, not exceeding thirty-nine stripes.

If the person or persons so breaking and entering any dwelling house, shop, store, or vessel as aforesaid, shall commit or attempt to commit any personal abuse, force or violence, or shall be armed with any dangerous weapon or weapons, as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover stand in the pillory for the space of three hours, and be imprisoned not exceeding seven years, in addition to the former punishment.*

And if the death of any innocent person shall ensue, from the breaking and entering any dwelling house, shop, store, or vessel as aforesaid, in any of the instances as aforesaid, the perpetrator and the accessory before the fact, shall be deemed guilty of murder.

12. If any person or persons shall unlawfully and forcibly, take from the person of another in the field or highway, any money, goods, or chattels, he, she or they so offending, shall be deemed guilty of robbery, and upon conviction shall suffer as in the second instance of burglary.

Whosoever shall commit such robbery with personal abuse or violence, or be armed at the time with any dangerous weapon, so as to clearly indicate an intention of violence, he, she or they so offending, upon conviction thereof, shall moreover suffer as in the third instance of burglary.

And if the death of an innocent person should ensue from such robbery, the perpetrator with the accessories before the fact, shall be deemed guilty of murder.*

13. If any person or persons within this territory, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out, or disable the tongue, put out an eye, slit the nose, cut off the nose, or a lip, or cut off or disable any limb, or member of any person, with intention in so doing to maim or disfigure such person in any manner before mentioned, then and in every such case, the person or persons so offending, their counsellors, aiders and abettors (knowing of any privy to the offence aforesaid) shall, on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.†

14. Whosoever shall forge, deface, corrupt or embezzle, any charters, gifts, grants, bonds, bills, conveyances, wills, testaments, or written contracts of any nature or kind, or shall deface or falsify any enrollment, registry or record, or matter or instrument recorded, or shall counterfeit the seal or handwriting of another, with intent to defraud, every person so offending, upon conviction thereof, shall be fined in double the sum he shall thereby have defrauded or attempted to defraud another, and shall moreover be incapable of sustaining any office of trust or profit in the territory. And all persons wilfully aiding and assisting in these crimes, or who shall cause or procure the same, or any of them to be perpetrated, shall be deemed principals.

And any person or persons who shall fraudulently forge, deface, corrupt or coun-

*Repealed chap. 211, sec. 4

†Repealed, chap. 211, sec. 4.

terfeit the seal of this territory, or the seal or signature of any officer within the same, every person so offending upon conviction, shall be fined not exceeding five thousand dollars, and imprisoned not exceeding five years.

15. If any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of this territory, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge, or procure to be acknowledged, in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned not exceeding seven years, and whipped not exceeding thirty-nine stripes; *provided nevertheless*, that this act shall not extend to the acknowledgment of any judgment or judgments, by any attorney or attorneys duly admitted, for any person or persons against whom any such judgment or judgments shall be had or given.

16. If any person or persons shall steal from another person or persons, or from a dwelling-house, shop, vessel, storehouse, or other house, in the day time, any money, goods, wares and merchandises, or any other personal property or thing whatsoever, he, she or they so offending shall be deemed guilty of larceny, and upon conviction thereof, shall for the first offence, restore the thing stolen to the owner thereof, and pay to him the value thereof, or two fold the value if the thing stolen be not restored, and shall also be fined in a sum not exceeding two fold the value of the thing stolen. Upon a second conviction, restitution and payment shall be made to the owner as aforesaid; and a fine shall also be set and paid to the district, not exceeding four fold the value as aforesaid, and be publicly whipped not exceeding thirty-nine stripes, and in like manner upon every succeeding conviction. And in case such convict shall not have property, real or personal, wherewith to discharge and satisfy the sentence of the court, it shall be lawful for the sheriff under the direction of the court to bind such person for labor for a term not exceeding seven years, to any suitable person who will discharge such fine.*

17. If any person or persons shall receive or buy, any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbor or conceal, any felons or thieves, knowing them to be so, he, she or they being of either of the said offences legally convicted, shall be liable to the like punishments, as in the case of larceny before are prescribed.

18. If any person shall wilfully and corruptly commit perjury, or shall by any means, procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation, in any suit, controversy, matter or cause depending in any of the courts of this territory, or in any deposition taken pursuant to the laws of the same, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years and fined not exceeding eight hundred dollars, and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony

*Repealed, chap. 168, sec. 16.

Territory of Louisiana

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BANK OF MISSOURI.

ATTORNEYS.

Not to practice without license.

Requisites to obtain a license &c.

Proviso.

Oath.

Sec. 1. No person shall be permitted to practice as an attorney or counsellor in any court of record in this territory unless he has obtained a license from one or more of the judges of the general [superior] court. Such license shall not be granted unless such person has studied law within this territory two years at least under the direction of some practising attorney or person of legal knowledge, or have been admitted before in some court of record in some of the United States or territories as a practising attorney, and producing satisfactory certificates as to his good moral character, and it appearing upon examination had before the judge that he is well qualified. *Provided*, That this shall not be required of those who have been heretofore admitted as attorneys and counsellors in the general [superior] court of this territory. Every attorney or counsellor obtaining a license as aforesaid from any judge shall take an oath or affirmation before such judge that he will support the constitution of the United States, and that he will demean himself honestly in his practice and exercise his office to the best of his knowledge and ability. *Passed 3d July, 1807.—L. L. T. pt. 1, p. 122—3.*

BANK OF MISSOURI.

Incorporation and style.

Sec. 1. From and after the first day of February, which will be in the year one thousand eight hundred and seventeen, all those persons who on the fourth day of September in the year one thousand eight hundred and sixteen, in St. Louis in the territory of Missouri, subscribed certain articles of association, and formed a company or limited partnership, under the name and style of "the president, directors and company of the Bank of Missouri," and all such persons who on the said first day of February, in the year one thousand eight hundred and seventeen, shall hold any share of shares of the joint stock or funds in the said bank of Missouri, and their successors being stock-holders as aforesaid shall be, and they are hereby incorporated and made a body politic, by the name and style of "the president, and directors and company of the bank of

BANK OF MISSOURI.

Missouri," and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, and any other places whatsoever. And by that name may have and hold, purchase, receive, possess, enjoy and retain lands, tenements, hereditaments, goods, chattels and effects of what nature, kind or quality soever, and the same sell, grant, demise, alien, convey and dispose of, and by that name shall have during the continuance of that act succession; and may have and use a common seal, and the same may break, alter and renew at pleasure, and shall have power to ordain, establish and put in execution, such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation not being contrary to law, nor to this incorporation, and generally to do and execute all acts necessary or proper for the object of the said incorporation, subject to the rules, regulations, restrictions, limitations and provisions hereinafter described and declared. *L. M. T. Dec. sess. 1816, p. 96, pass'd 31 Jan, 1817.*

Power.

Sec. 2. The capital stock of the said bank shall be and consist of two hundred and fifty thousand dollars, in shares of one hundred dollars each, exclusive of such shares as may hereafter be subscribed on the part of the territory of Missouri: *Provided always*, That on the application of the president and directors of said bank the then existing legislature may always extend and increase the amount of stock, capital estate and property which said corporation may hold. *ib. p. 97, ib.*

Capital stock.

Proviso.

Sec. 3. All such persons who shall after the passage of this act, and before the first day of February in the year one thousand, eight hundred and seventeen, become subscribers for one or more shares of the capital stock of the said bank, shall at the time of subscribing for one or more shares of the capital stock in the said bank shall at the time of subscribing pay to the president and directors of the said bank, the sum of five dollars, on each and every share by them subscribed which, as also the sum of five dollars which has been paid on each share now subscribed, according to the articles of association aforesaid, shall be forfeited to the use of said bank, unless twenty dollars on each share in addition thereto is paid on the said first day of February in the year one thousand eight hundred and seventeen, to the said president and directors, which said sum of twenty five dollars above specified, shall be the first in-

Payments of subscriptions.

stalment: And that the president and directors of said bank from and after the first day of February in the year one thousand eight hundred and seventeen may call for and demand from the stockholders respectively, all such sums of money by them subscribed, or which may be subscribed, and in such proportion not exceeding the sum of twenty five dollars on each share as they shall see fit. And the said stock-holders shall pay the same, under pain of forfeiting to the use of said bank all such share or shares and of all previous payments thereon, upon which the same is not paid: *Provided however*, That it shall be the duty of the said president and directors to give at least ninety days notice of such call or demand in one of the news papers printed in the territory of Missouri. *ib. p. 97. ib.*

Transaction
of business.

Sec. 4. The said bank shall transact its business in the town of St. Louis, and the stock, property, affairs and concerns of said bank, shall be managed and conducted by nine directors, one of whom shall be president, who shall hold their offices for one year, four the directors and the president shall form a board or quorum for transacting business; and in case of sickness or necessary absence of the president, his place may be supplied by any director, whom, he by writing under his hand may nominate for that purpose, or in case of his not making such nomination, the board may appoint a president to act during his absence. And that the president and directors who may be in office under the said articles of association on the first day of February, one thousand eight hundred and seventeen, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director or a president of said bank, who is not a citizen of the United States and of this territory and a stock-holder, and a director ceasing to be a stock-holder, shall cease to be a director. All the directors to be elected shall be resident of the territory, every stock-holder being a citizen of the United States shall be entitled to vote at all elections to be held by the stock-holders in pursuance of the act of incorporation, and shall have as many votes in proportion to the stock which he may hold, as follows, for one share and not exceeding four shares, one vote each; for every two shares above four and not exceeding twenty, one vote; for every four shares above twenty and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote;

Directors
how elected.

but no person or persons, bodies corporate or otherwise shall be entitled to more than fifty votes: But no stock-holder shall be permitted to vote who has not held his stock two calendar months prior to the day of election. All stock-holders living in the county of St. Louis shall vote in the choice of directors by ballot, in person; but every stock-holder living out of said county may vote in person, by ballot or by a written ballot by him or her subscribed, with his or her name and duly acknowledged before a judge of the court, a justice of the peace or a notary public, before whom such acknowledgment shall be made; and said ballot shall by him be sealed up and addressed to the cashier of the said bank, and transmitted before the time of election, shall be received and counted in the election. No person who is not a citizen of the United States, shall be entitled to a vote in any election of the said corporation. *ib. p. 98. ib.*

Sec. 5. A general meeting of the stockholders in the said bank shall be holden on the first monday of May, in the year one thousand eight hundred and seventeen. And the first monday of May in every year thereafter, at such place in the town of St. Louis, as the president and directors shall direct and appoint, by giving eight weeks notice in one or more of the newspapers printed in this territory, for the purpose of electing directors for the ensuing year, who when elected, shall meet within twenty days succeeding their election, and shall immediately thereafter proceed to choose a president. And the president and directors for the time being shall continue in their places, and be organized by the assembling of a quorum; and the choice of a president at all elections the person having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superintendence of the president for the time being and four stockholders, not being at the time directors, to be appointed by the directors, any three of whom shall be judges thereof. And they shall immediately thereafter notify the elected to meet within twenty days next ensuing the day, at the bank, and shall make a return of the persons elected at their first meeting. Should two or more persons have an equal number of votes, the other individuals elected directors shall determine by ballot from among said persons who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon and closed at

General
meeting of
stock holders
for electing
directors.

three o'clock in the afternoon of the same day. *ib.* page 100 *ib.*

By Law,

Sec. 6. The president and directors shall have full power and authority to make, revise, alter and amend all such rules, orders, bye laws and regulations for the government of said corporation, and that of its officers, servants and affairs, as they shall from time to time think expedient, and to use employ and dispose of the capital stock, funds and property of the said company for the interest and benefit of the stockholders subject only to the restrictions herein contained. But the said company shall not take for discounting any bill or note, more than at the rate of six per centum per annum on the amount due on such bill or note. *ib.* page 101. *ib.*

Rate per cent
on discounts.

Notes, bills
&c. how issued
negotiable,
obligatory &c.

Sec. 7. All promissory notes, bills of exchange, drafts, checks and receipts for the payment of money made on the behalf of the said corporation, signed by the president, countersigned or attested by the cashier, shall be obligatory upon the said company, and shall possess the like qualities as to negotiability, and the holders thereof shall have the like action thereupon as if such promissory notes, bills of exchange, drafts, checks, or receipts had been made by or on behalf of a natural person. *ib.* p. 102 *ib.*

Books, papers
&c. subject to
inspection of
the directors.

Sec. 8. The books, papers, correspondence and funds of the said company, shall at all times be subject to the inspection of the directors. And no director shall be entitled to loan at any time more than three thousand dollars from said bank either in his own name or the name of any other person. *ib.* p. 102 *ib.*

Cashier and
other officers

No compensa-
tion to
directors.

Report to
legislature.

Sec. 9. The president and directors aforesaid, shall have power to appoint a cashier and all other officers and servants for executing the business of the said company respectively, but no compensation shall be given to a director for his services. And the said president and directors shall on the first day of each session of the legislature of this territory, lay before said legislature, an account, stating the situation of the bank and its funds, which said account, shall be sworn to by said president and directors, and by the cashier of the said bank. And if it shall appear to the said general assembly, that the regulations, restrictions or provisions of this act have not been complied with to the prejudice of any person or persons, it may be lawful for the said general assembly to repeal, amend, annul

and make void, by an act to that effect, this act of incorporation, any law, usage or custom to the contrary notwithstanding. And if the said president and directors shall neglect or refuse to make such statement according to the provisions of this act, the then existing legislature shall have power to repeal or make void this charter, any thing in this act to the contrary notwithstanding. *ib.* *ib.* *ib.*

Transfer of
stock.

Sec. 10. The shares of capital stock at any time owned by any individual stock-holder, shall be transferable only on the books at the bank, according to such rules as may, conformably to law, be established in that behalf by the president and directors: But all debts actually due and payable to the company, days of grace for payment being past, by a stock-holder requesting a transfer, must be satisfied before such transfer shall be made, unless the president and directors shall direct to the contrary. *ib.* p. 103 *ib.*

Dividend of
profits.

Sec. 11. The dividend of the profits of the company or so much of said property as may be deemed expedient and proper shall be declared half yearly, in the first week of April and October in each year, the amount of said dividend shall, from time to time be determined by the president and directors, and shall, in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock of the said company shall never be impaired by dividends. *ib.* *ib.*

Discount and
loans not
more than
double the
amount of
capital.

Sec. 12. The said company shall not at any time discount or loan a greater sum than double the amount of the capital stock thereof, which shall be actually paid in. No standing or unlimited accommodation shall be granted to or by the president and directors of said company. *ib.* p. 104 *ib.*

Dividends
impairing
capital
stock.

Sec. 13. If the said president and directors shall at any time willfully and knowingly make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring of said dividend and consenting thereto shall be liable in their individual capacities to the company for the amount or proportion of said capital stock, so divided by the said directors, and each director who shall be present at the making or declaring such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing his dissent on the minutes of the proceedings of the board, and within twenty days there:

Property and
trade of the
company.

after, give notice thereof in some one of the newspapers printed in this territory. *ib. ib. ib.*

Sec. 14. The company shall in no case be owners of any ship or vessel, directly or indirectly be concerned in trade or the importation or exportation, purchase or sale of any goods, wares or merchandise whatever, except bills of exchange, bullion, stock of the United States or of incorporated institutions, and such ships, vessels, goods, wares or merchandizes as shall be truly pledged to them, by way of security for debts due, owing or growing due to the said company, or purchased by it to secure such debts, the said company shall not purchase or hold any lands, tenements or other real estate, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements and real estate shall have been *bona fide* mortgaged to the company by way of security or conveyed to it in satisfaction of debts previously contracted in the course of dealings or purchased to secure debts contracted with or due to the company, and in every instance in which the company may become the owners or claimants of lands, tenements or real estate, the president or directors are empowered to sell or dispose of the same in such manner as they shall deem beneficial for the said company. *ib. ib. ib.*

Vacancies in
the direction.

Sec. 15. If any vacancy shall at any time happen among the directors, by death, resignation or otherwise, the rest of the directors for the time being shall elect a director to fill the vacancy. *ib. p. 105 ib.*

General
meetings.

Sec. 16. Any number of stock-holders who shall be proprietors of not less than five hundred shares, may for any purpose relative to the institution, at any time apply to the president and directors to call a general meeting of the stock-holders, and if by them refused, the said number of stock-holders, proprietors of not less than five hundred shares as aforesaid, shall have power to call a general meeting of the stock-holders, giving at least sixty days notice in one or more of the public newspapers printed in this territory specifying in such notice the object or objects of such call. *ib. ib. ib.*

How called.

Amount of
debts of the
company.

Sec. 17. The total amount of debts which the said company shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of capital stock actually paid in: *Provided*, That nothing herein contained shall be construed to prevent

the said company from receiving money on deposit, and owing therefor the just amount of the money actually deposited in said bank for safe-keeping, in addition to the other debts said corporation may owe. And in case of excess the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action or actions may in such cases be brought against them or any of them, their or any of their heirs, executors or administrators, in any court proper to try the same, by any creditor or creditors of said company; and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding, but this shall not be construed to exempt said company, or the lands, tenements, goods or chattels of the same from being liable for and chargeable with the said excess, such of said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being liable, by forthwith giving notice of the fact, and of their absence or dissent, in some one of the newspapers printed in this territory and to the stock-holders, at a general meeting which they shall have power to call for that purpose, and the company and the capital stock thereof, shall be liable for all the debts and engagements contracted. And the body corporate hereby created, and the capital stock thereof shall be liable for all the debts and engagements contracted, or which before or on the first day of February, in the year one thousand eight hundred and seventeen, shall or may be contracted by the company or copartnership heretofore created by the articles of association herein before mentioned, and which carried on the banking business, under the name and style of "The President Directors and Company of the Bank of Missouri," and the creditors of the said copartnership shall have the like remedy by action against the said body corporate as they had or have or may or can have against the said copartnership. *ib. p. 106 ib.*

Liability in
case of ex-
cess.

Sec. 18. In case it shall happen at any time that an election of directors should not be made on any day pursuant to this act of incorporation it ought to have been made, the said company shall not for that cause be deemed to be dissolved but it shall be lawful on any

Failure of e-
lection.

other day to hold and make an election of directors, at a meeting to be called in such manner as shall be prescribed by the laws and ordinances of the said company not inconsistent or contrary to the provisions of this act. *ib. p. 107 ib.*

Place of
transacting
business.

Sec. 19. The said company shall be established and kept, and the buildings necessary for the accommodation thereof erected and the business thereof at all times hereafter transacted at such place or places in the town of St. Louis, as the president and directors of said company shall designate, and point out, which said location or locations when so made shall be unalterable. And until the buildings necessary for the accommodation of said company shall be erected and so far completed as to admit the transaction of business therein, or in case of an accident by fire or otherwise happen to the building, that may hereafter be erected for the use of the said company, shall be established and kept, and the business thereof conducted, at such times and places in the town of St. Louis, as the president and directors thereof shall designate and appoint. And whenever the inhabitants of any county now established, or which may hereafter be established by law in this territory, shall have subscribed for stock in said bank to the amount of forty thousand dollars, and paid their proportion on that sum into the bank, a branch bank shall within six months thereafter be established in such county for the purpose of discount and deposit only, and upon the same terms and in the same manner as practised at the bank, and in the management of the said officers and the making of the said discounts to such persons under such agreements and subject to such regulations as they shall deem proper, not being contrary to law or the constitution of said bank. And in each office of discount and deposit, there shall be vested by the president and directors double the amount of the stock paid in by the stock-holders of the county where such bank discount and deposit shall be established. *Provided, always,* That a majority of the stock-holders of said county shall previously by writing request the establishment of such office of discount and deposit, and the same shall be had six months before the time at which it shall be requested to establish such office of discount and deposit. *ib. p. 108 ib.*

Branches.

President and

Sec. 20. A majority of the whole number of di-

rectors shall be necessary in the choice of a president or cashier, *ib. p. 109 ib.*

Sec. 21. Every cashier or clerk before he enters on the discharge of the duties of his office, shall give bond with two or more securities, to the satisfaction of the president and directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than six thousand dollars, conditioned for the faithful discharge of his duty, and it shall not be lawful for any person being a stock-holder in the said bank or any other bank to be elected or appointed as a cashier or clerk in said bank. *ib. ib. ib.*

Bonds of
Cashier and
Clerk.

Sec. 22. Every stock-holder, whether he be either by original subscription or by transfer, shall be considered as a member of this corporation, and when he ceases to be a stock-holder, he ceases to be a member. *ib. ib. ib.*

Every Stock
holder a mem-
ber of the
corporation.

Sec. 23. It shall and may be lawful for the governor of the territory, for the time being, upon the joint resolution of the legislative council, and house of representatives of this territory, requesting him to that effect, at any time within ten years from and after the first day of February, in the year one thousand eight hundred and seventeen, to subscribe for and in the name of the territory of Missouri, any part or the whole of one thousand shares for the use of said territory. Any person authorised by a joint resolution of the legislative council and house of representatives, for that purpose, shall have as many votes in the election of directors and in managing the affairs of said bank as the number of shares actually subscribed for on the part of the said territory, would give to any stock-holder possessing the same, conformably to the provisions of this act of incorporation. *ib. p. 110 ib.*

Territory
may sub-
scribe for
stock and vote
by agent.

Sec. 24. The governor for the time being shall have power to draw from the territorial treasury the sums of money necessary to pay the amount of the shares subscribed for, on the part of the territory of Missouri, that may hereafter be appropriated for that purpose. *ib. ib. ib.*

Monies in
payment
thereof.

Sec. 25. It shall be the duty of the said bank to loan to the territory of Missouri when required by the governor of the territory for the time being, upon the joint resolution of the legislative council and house of representatives of this territory, requesting him to that effect, without indorser, any sum of money not exceed-

Loans to the
territory

ing the amount of half the shares actually paid in on the part of the said territory for a period not exceeding one year: *Provided*, That ninety days notice of the intended application for said loan be given to the president and directors of said bank. *ib. ib. ib.*

Books of subscription.

Sec. 26. It may be lawful for the president and directors of said bank to open a book or books of subscription for unsubscribed stock in said bank, as often and at such places in the territory of Missouri as they shall deem fit, so as to give a fair opportunity to any citizen or citizens of said territory to become subscribers for stock in said bank, giving at least sixty days notice of the opening of said book or books in some newspaper printed in said territory, and if during the time for which the said book or books are opened for the last time the whole amount of stock shall not be subscribed, then the remaining part thereof not subscribed for, may be sold by the president and directors of the said bank for the time being to the best advantage for the use of said bank: *Provided*, That no sale of stock shall be made under par: *And provided*, That not more than one fourth of the capital stock in said bank shall be subscribed by, for or sold to persons residing out of this or Illinois territory. *ib. p. 111 ib.*

Specie payments.

Sec. 27. That from and after the passage of this act, the said Bank of Missouri hereby incorporated, shall pay specie upon all bills and notes which may have been or which may hereafter be drawn and payable by the said Bank of Missouri, or by the president and directors and cashier thereof, if thereunto required by the person or persons who may be the holder of such bill, note or notes, under the penalty of forfeiting at the rate of five per centum per month, for each and every month such specie payment may be refused, in addition to the amount of such bill, note or notes, to be recovered in a summary way by motion before any Justice of the Peace, or court having jurisdiction thereof in the name or for the use of any person or persons who were the owners of said bill or note or notes, at the time they were presented for payment. *ib. ib. ib.*

Penalty for defaults.

Sec. 28. In all suits and actions prosecuted against the said corporation, it shall be a sufficient service of all writs, notices or judicial process, to serve the same upon the president or any of the directors for the time being. *ib. p. 112 ib.*

Process against corporation.

Sec. 29. If any president, director, officer or other person holding any share or capital of the said bank

Embezzlement.

stock, shall commit any fraud or embezzlement, touching the money or property of the said bank, he or they shall be liable to be prosecuted in the name of the United States by indictment, and upon conviction thereof shall, besides the remedy that may be had by action in the name of the president and directors of said bank of Missouri, for the fraud and embezzlement aforesaid, forfeit to the said company all his shares and stock in said bank. *ib. ib. ib.*

Sec. 30. This corporation shall continue until the first day of February which will be in the year one thousand eight hundred and thirty eight, but nevertheless the proprietors of two thirds of the capital stock of the company may by their concurring votes at a general meeting, to be called for that purpose, dissolve the same at an earlier period; provided that notice of such meeting and its object shall be published in one or more newspapers printed in the territory of Missouri, for at least six months successively previous to the time of such meeting. *ib. p. 113 ib.*

Continuance of charter till 1838.

Sec. 31. On the dissolution of this corporation whenever the same shall be determined on as aforesaid, effectual measures shall be immediately taken by the president and directors then in office for closing all the concerns of the corporation, and for dividing the capital and profits which may remain, among the stockholders in proportion to their respective interests. *ib. ib. ib.*

Dissolution & settlement of accounts.

Sec. 32. Nothing in this act contained shall be construed to deprive the legislature of the power and right to impose taxes on the stock of said bank or the dividends thereof, which tax imposed by the legislature shall be appropriated for the use of a free school or schools, in such manner as a future legislature may order and direct: *Provided*, That such tax shall not be more than equal to other taxes, imposed by law on personal property. *ib. ib. ib.*

Right of legislature to tax.

Sec. 33. Should the said company hereby incorporated under the style of the President and Directors of the Bank of Missouri fail, neglect or refuse to receive or act under this act of incorporation, within six months after it becomes a law, then and in that case the act of incorporation shall be forfeited and become void and of no effect, from and after the expiration of the said six months. *ib. p. 114 ib.*

Non acceptance of charter.

Sec. 34. This act shall to all intents and purpose be

Nature and

continuance
of this act.

deemed and held a public act, and be and continue in force, until the said first day of February, will be in the year one thousand eight hundred and thirty eight, and from and after the passage thereof. *ib. ib. ib.*
(Signed) EDWARD HEMPSTEAD,

Speaker of the House of Representatives.

BENJAMIN EMMONS, } *Members*
BENJAMIN COOPER, } *of the Lc.*
JOSEPH HUNTER, } *gislatre*
JOSEPH BOGAY, } *council.*

I the undersigned of the legislative council, do certify that the foregoing bill passed the legislative council, by a majority of the whole of the members—Messrs. Ward, Perry and Cummins, voting against the passage thereof, (and no other,) and the same has been reported as truly enrolled.

(Signed) J. V. GARNIER, *Sec'y.*
Legislative Council.

We the undersigned members of the joint committee of enrolments of the legislative council, and house of representatives of Missouri Territory, do certify that the bill entitled "An act to incorporate the stockholders of the Bank of Missouri," is duly enrolled. Signed Joseph Hunter, Nath. Cook, James Mackay.

APPROVED, JANUARY 31ST, 1817.

WILLIAM CLARK,

Governor of the Missouri Territory

Office of Secretary of the territory of
Missouri, St. Louis, Feb. 23, 1817. }

Truly copied from the originals on file, }

FREDERICK BATES, *Sec'y. }*

BANK OF ST. LOUIS.

Preamble.

WHEREAS Auguste Chouteau and others have by their petition presented to the Legislature prayed that a banking company may be incorporated under the style and name of the President, Directors and Company of the Bank of Missouri, and the general assembly being of opinion that the institution of a bank with a limited capital will be of public utility.

Be it therefore enacted by the General Assembly of the
territory of Missouri, That Auguste Chouteau, Samuel
Commission- *Hammond, John B. C. Lucas, Clement B. Penrose*
ers appointed.

Moses Austin, Bernard Pratte, Manuel Lisa, Rufus Easton, Risdon H. Price, Thomas Brady, Bertholomew Berthold, Christian Wilt and Robert Simpson be, and they are hereby appointed commissioners for the purposes herein after directed, and all such persons as hereafter shall become stockholders, their successors and assigns, shall be, and hereby are ordained, constituted and declared to be from time to time and until the first day of August, which will be in the year one thousand eight hundred and thirty eight, a body corporate and politic in fact and in name by the name of St. Louis, and by that name, they and their successors and assigns until the said first day of August in the year one thousand eight hundred and thirty eight shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors and assigns may have a common seal, and may make, change and alter the same at their pleasure; and also that they and their successors and assigns by the same name of the president, directors and company of the bank of St. Louis, shall be in law capable of purchasing, holding and conveying any estate, real, personal or mixed for the use of the said corporation. *L. M. T. July sess. 1813, p. 65.*

Style of the corporation.

Powers.

pass'd 21 August, 1813.

Sec. 2. A share in said bank shall be one hundred dollars, and the number of shares shall not exceed fifteen hundred shares exclusive of any shares which may be subscribed on the part of the territory of Missouri. And a book or books for subscriptions shall be kept open under the direction of the said commissioners; and the first opening of the books, shall be on the same day at St. Louis, St. Charles, St. Genevieve, Mine au Burton, Cape Girardeau and New Madrid; and the said books shall be continued and kept open until the said number of shares shall be subscribed or such part thereof, not less than seven hundred and fifty shares, as they or a majority of them shall deem sufficient. And thereafter the said books shall be kept open at such time and places as the president and directors of said bank or a majority of them shall think proper.

1500 shares each share \$100—

Books of subscription opened,

And

Kept open.

Capital not
to exceed
\$60,000.

Proviso.

President and
directors.

Annual elec-
tions 2d Mon-
day Decem-
ber.

Votes by
proxy.

Directors
to elect the
president.

Vacancies
how supplied.

And the whole amount of the stock, estate and property which the said corporation shall be authorised to hold including the capital stock above mentioned, shall never exceed in value four hundred and fifty thousand dollars: *Provided always*, That the legislature of the territory of Missouri on the application of the president and directors of said bank may always extend and increase the amount of stock, capital estate and property which said corporation may hold. *ib. p. 67, ib.*

Sec. 3. The stock, property affairs and concerns of said corporation shall be managed and conducted by thirteen directors, one of whom shall be president, who shall hold their offices for one year, which directors shall be stockholders and citizens of the territory of Missouri; and nine of them at least residing at or near the town of St. Louis, and the other four of them residing in the town of St. Genevieve elsewhere in the territory, and shall be elected on the second Monday in December in every year, at such place in the town of St. Louis, as a majority of the directors, who shall on all occasions constitute a body for doing business for the time being, shall appoint, and public notice shall be given by the said directors in one of the newspapers printed in the territory, of the time and place, not more than sixty days, nor less than thirty days previous to the day of holding said election;—and the said election shall be held and made by some of the stockholders of said bank as shall attend for the purpose either in person or by proxy, which proxy shall always be stockholders: and all elections shall be by ballot, and the thirteen persons who shall have the greatest number of votes, and residing as aforesaid shall be directors; and if it should happen at any election that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a majority of them shall proceed by ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes shall be the director or directors, so as to constitute the whole number of thirteen: and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot, one of the members as president; and if a director shall remove out of this territory, his office shall be considered vacant;—and whenever any vacancy or vacancies shall happen among the directors by death, resignation or

removal, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors for the time being or a majority of them shall appoint. *ib. p. 68, ib.*

Sec. 4. In case it should at any time happen that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been done, the said corporation shall not, for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, within three months thereafter, to hold and make an election of directors, in such manner as is herein before directed, or in such manner as shall have been regulated by the laws and ordinances of the said corporation. And the directors then in office when the elections as aforesaid ought to have been made shall continue to be directors until the election herein contemplated shall be made, any thing in this law to the contrary notwithstanding. *ib. p. 69, ib.*

Sec. 5. The directors for the time being or a majority of them shall have power to make and prescribe such bye laws, rules and regulations and ordinances as to them shall appear proper, needful, necessary and convenient, touching the management and disposition of the stock, property, estate and effects of said corporation: the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as appertain to the business of a bank and shall also have power to appoint so many officers, clerks and servants for carrying on the business of said bank and with such salaries and allowances, as to them shall seem meet—*Provided*, That such bye laws, rules, ordinances and regulations be not repugnant to the constitution and laws of the United States or of this territory. *ib. p. 70, ib.*

Sec. 6. The said bank shall be established and kept and the buildings necessary for the accommodation thereof erected, and the business thereof at all times hereafter transacted at such place in the town of St. Louis, as the directors of said bank shall designate and point out—which said location when so made shall be unalterable; and until the buildings necessary for the accommodation of said bank shall be erected, and so far completed as to admit, the transaction of business therein, the said bank shall be established and kept and the business thereof transacted at such times and places

Corporation
not dissolved
by failure in
elections—
which may be
held 3 months
afterwards.

Bye-laws as
to the man-
agement of
the bank.

Where the
bank to be
kept.

Temporary
place in St.
Louis may be
chosen.

in the town of St. Louis, as the directors thereof shall designate and appoint. *ib. ib. ib.*

The territory may subscribe 150 shares.

Sec. 7. The territory of Missouri shall have a right to subscribe any number of shares to said bank not exceeding in the whole the number of one hundred and fifty, at any time when it shall by law authorise any person or persons for that purpose, and the territory shall have a right to increase the number of shares and stock which the said corporation may hold to the amount of the sum to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place on the part of the territory. *ib. p. 71. ib.*

Debts of the bank not to exceed double the amount of stock actually paid.

Sec. 8. The total amount of debts, which the said corporation shall at any time owe, whether by bond, bill, note or other contract shall not exceed double the amount of the capital stock subscribed and actually paid into the bank and in case of excess, the director under whose administration it shall happen shall be liable for the same in their separate and private capacities; but this act shall not be construed to exempt the said corporation or any estate, real or persons which they may hold as a body corporate, from being also liable for, and chargeable with such excess, be such of the directors who have been absent when such excess was contracted or who may have dissented from the resolution or act whereby the same was contracted shall not be so liable. *ib. p. 71. ib.*

Bank to hold only such real property as may be necessary for its accommodation.

Except &c.

Sec. 9. The lands, tenements and hereditaments which it shall be lawful for said corporation to hold shall be only such as be requisite for its immediate accommodation, in relating to the convenient transacting of its business or such as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or purchased at sales upon judgments which shall have been obtained for such debts. And further the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever. It shall nevertheless be lawful for said bank to receive and dispose of all bonds, bills, notes, checks or drafts made payable or negotiable at the bank. *ib. p. 72. ib.*

Bank not to buy and sell merchandize.

In what manner the paper of the bank

Sec. 10. Bills obligatory and of credit, under the seal of the said corporation which shall be made to any person or persons shall be assignable by endorsement

thereupon under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation shall be binding and obligatory upon the same in like manner and with like force and effect as upon any private person or persons if issued by him, her or them, in his, her, or their private or natural capacity or capacities, and shall be assignable and negotiable according to the law of merchants, in like manner as if they were so issued by such private person or persons, that is to say those which may be payable to any person or persons, his, her or their order shall be assignable by endorsement; and those which are payable to bearer shall be negotiable and assignable by delivery only. *ib. ib. ib.*

Directors may call for the payment of stock.

Sec. 11. It shall and may be lawful for the directors for the time being to call for and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed at such times and in such proportions as they shall see fit, under pain of forfeiture of their share or shares, and of all previous payments thereon to the said company, always however giving sixty days notice of such call and demand in one of the newspapers published in the territory as aforesaid. *ib. p. 73. ib.*

Sec. 12. This present act of incorporation shall in no wise be forfeited by any non user whatsoever at any time before the second monday in December which will be in the year, one thousand eight hundred and seventeen, and that it shall on that day, if no prior election has taken place and the stock subscribed shall amount to the sum of seventy five thousand dollars, be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed, to the contrary, in any wise notwithstanding. And for the purpose of putting the said bank into operation it shall be the duty of the said commissioners or a majority of them, as soon as seven hundred and fifty shares shall

Charter not to be forfeited for non user till Dec. 1st 17.

Operations to begin when 750 shares subscribed

be subscribed for as aforesaid to give public notice thereof in some newspaper printed in this territory, and shall appoint a time, not more than sixty days nor less than forty days when the stockholders shall assemble as is provided in the third section of this act for the purpose of choosing the first directors. *ib. p. 74. ib.*

Number of
votes in pro-
portion to
shares.

Sec. 13. Each stockholder at elections and on all other questions shall be entitled to the number of votes proportioned to the number of shares which he, she, or they may be possessed of at the time of such election, according to the following ratio, that is to say, one vote for every share not exceeding ten shares, one vote for every five shares over ten and up to thirty, and one vote for every ten shares over thirty. But no person, copartnership or body politic shall be entitled to more than seventeen votes. And no stockholder unless actually resident within the United States or any of the territories thereof shall vote at elections or on any other occasion either in person or by proxy. *ib. ib. ib.*

Non re-
sidents who
hold stock not
allowed to
vote.

Dividends of
profits every
six months.

Sec. 14. It shall be the duty of the stockholders to make every six months dividends of so much of the profits of said bank, as to them or a majority of them shall seem advisable; and if the said directors shall, at any time wilfully and knowingly make and declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring said dividend, and consenting thereto shall be liable in their individual capacities to the company for the amount or proportion of said capital stock so divided by the said directors; and each director who shall be present at the making or declaring such dividend shall be deemed to have consented thereto, unless he shall immediately enter into writing his dissent on the minutes of the proceedings of the board. And every cashier and clerk before he enters upon the duties of his office shall give bond with two or more sureties to be approved of by the directors for the time being, or a majority of them, in a sum not less than ten thousand dollars for said cashier, and five thousand dollars for each clerk, conditioned for the faithful discharge of their several duties. *ib. p. 75. ib.*

False di-
vidends.

Cashier and
clerks to give
bonds.

6 per cent
on loans.

Transfer of
stock.

Sec. 15. The said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum in advance. *ib. p. 76. ib.*

Sec. 16. The stock of the said corporation shall be assignable and transferable according to such rules

shall be instituted in that behalf by the laws and ordinances of the same; and all debts actually due and payable to the bank by a stockholder requesting a transfer must be satisfied before such transfer shall be made unless the president and directors shall direct to the contrary. *ib. ib. ib.*

Sec. 17. It shall and may be lawful for the directors aforesaid to establish offices wheresoever they shall think fit, in the territory of Missouri for the purpose of discount and deposit only, and upon the same terms and in the same manner as shall be practised at the bank, and to commit the management of said offices and the making of the said discounts to such persons, under such agreements, and subject to such regulations as they shall deem proper, not being contrary to law or the constitution thereof: *Provided nevertheless*, That the first office of discount and deposit shall be established at the town of St. Genevieve, and that no office of discount and deposit shall be established within less than fifty miles of the principal bank, nor within less than fifty miles of each other. *ib. ib. ib.*

Offices of dis-
count and de-
posit may be
established.

The first to be
at St. Gene-
vieve.

Sec. 18. It shall and may be lawful for the said corporation to receive as security for any loan or discounts made by it, any lead or peltry or furs or other property, in lieu, and in the place of any indorser or indorsers to the bills, notes or obligations they may receive for payment of the same. *Provided nevertheless*, That the said property so received as security shall always be deposited, real property excepted, and left in the care, possession and control of the bank either at the capital bank, or at the office of discount and deposit or within one mile of the same, and at no other place or places whatsoever, which said property so deposited, it shall and may be lawful for the bank, after the time for which said property was so deposited shall have elapsed, to sell and dispose of, without delay, in any manner they shall judge proper, giving ten days public notice of the time and place of selling the same, any law usage or custom to the contrary notwithstanding; and *Provided nevertheless*, That it shall and may be lawful for said bank to establish a place of deposit at St. Genevieve, so soon as they shall deem proper, prior to the establishment of an office of discount and deposit at St. Genevieve, under the control and direction of such person or persons as the president and direc-

Lead peltry
and furs &c.
may be taken
in place of an-
dorsers.

When the
same may be
sold.

Deposit at St.
Genevieve.

General meeting of the stockholders.

Proprietors of 800 shares may call a general meeting.

Not more than a fourth of the capital to be sold out of this and Illinois territory.

Penalty.

Decided by the president and directors with appeal.

Non residents shall not have more than a fourth of the votes.

Excess above 3-4 of capital may be sold to non residents.

tors shall direct and appoint, any thing in this act to the contrary notwithstanding. *ib. p. 77 ib.*

Sec. 19. The president and directors shall have power at all times to call a general meeting of the stockholders for purposes concerning the interest of the bank, giving at least sixty days notice, in one or more newspapers published in the territory of such meeting. *ib. p. 78 ib.*

Sec. 20. Any number of stock-holders who shall be proprietors of not less than eight hundred shares, may, at any time, for any purpose relative to the bank apply to the president and directors to call a general meeting of the stock-holders and if by them refused the said number of stock-holders, of not less than the number of shares aforesaid, shall have power to call a general meeting of the stock-holders, giving at least sixty days notice in one or more newspapers printed in the territory, specifying in such notice the object or objects of such call. *ib. ib. ib.*

Sec. 21. Not more than one fourth part of the capital stock of said bank, shall be sold either directly or indirectly out of the territory of Missouri and Illinois; nor shall any person holding stock, assign or transfer the same either directly or indirectly, to any person or persons residing out of the two territories aforesaid; and any person or persons who shall make any purchase or sale of stock, contrary to the provisions of this section shall forfeit such share or shares to the use of the bank to be adjudged on by the president and directors. And the person or persons, finding him, her or themselves aggrieved by such judgment or forfeiture by said directors shall have the right of appeal to the superior court of the territory, nor shall any person or persons residing in either of the two territories aforesaid, hold either directly or indirectly any share or shares for the use of any person residing out of the two territories aforesaid, under penalty of the same forfeiture as is above prescribed: *Provided*, That the number of votes given at any election by any person or persons residing out of the two territories shall not exceed one fourth of the whole number of votes given at such election: *Provided also*, That in case of a greater amount than three fourths of the capital stock should be subscribed for or held by transfer or purchase within the two territories, it shall and may be lawful for any person or persons to sell such excess, with the ap-

probation of the president and directors to any person or persons residing out of said territories. *ib. ib. ib.*

Sec. 22. Six of the directors with the president shall form a board or quorum for transacting all the business of the company, and in case of sickness or necessary absence of the president, his place may be supplied by any director whom he by writing under his hand may nominate for that purpose; and if the directors are dissatisfied with such nomination or in case of his not making such nomination, the board may appoint a president to act during his absence. *ib. p. 79 ib.*

Sec. 23. So soon as seven hundred and fifty shares shall be subscribed for, one third of the amount called in by the president and directors, and also one third of the bills and notes issued by the bank, shall be invested in a Branch Bank or office of discount and deposit at St. Genevieve, and so on shall the said amount paid into or vested in the said branch bank or office of discount or deposit at St. Genevieve increase according to the actual amount of capital paid into the bank until the capital of the said branch bank shall amount to the sum of fifty thousand dollars, and notes and bills in proportion: but the said branch bank at St. Genevieve shall never exceed in capital the sum of fifty thousand dollars and notes and bills in proportion, whatever increase of capital may hereafter be granted by the legislature, unless the said legislature in granting said increase of capital shall otherwise provide. *Provided*, That all officers that may be appointed to preside over and conduct said branch bank shall be appointed and chosen from among persons resident at St. Genevieve, being stock-holders. *ib. p. 80 ib.*

Sec. 24. This act be, and is hereby declared to be a public act, and that the same be, for the time herein declared limited and construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned. *ib. p. 81 ib.*

BIGAMY.

See Crimes and Misdemeanours, sec. 26.

BILLS OF EXCHANGE.

Sec. 1. When any foreign bill of Exchange, which may be drawn for any sum of money expressing that the value has been received, shall be protested for non

The president and six directors to form a board.

How the presidents absence to be supplied.

When a branch bank shall be established at St. Genevieve,

And

On what conditions.

Nature and continuance of this act.

Foreign bills.

2. There shall be paid to the clerk of the legislative council, and the clerk of the house of representatives, six dollars each for every day they may have been employed in the business of their respective houses; and there shall be allowed and paid to the doorkeeper of the legislative council and house of representatives respectively, the sum of one dollar and fifty cents for each and every day's attendance during the present session of the general assembly.

3. There shall be allowed to the members of the house of representatives, and their clerks, who attended at the seat of government in December last, for the purpose of nominating the legislative council, the same compensation that is allowed by this act to the members and clerks of the present general assembly.

4. The compensation which shall be due to the members of the legislative council and house of representatives and their officers, shall be certified by the president of the legislative council and speaker of the house of representatives respectively, which certificate shall be to the territorial auditor sufficient evidence of claim; and the auditor shall thereupon issue his warrants or certificates to the several persons entitled thereto by this act, payable at the territorial treasury; and the treasurer shall redeem such certificates with any money which now is, or hereafter may be, in the treasury.

This act shall take effect and be in force from and after the passage thereof.

August 16, 1813.

CRIMES AND PUNISHMENTS.

CHAPTER 91.

Chap. 1, §§. 80, 86, 168, 211, 223.

AN ACT in addition to the several acts in this territory for the punishment of cr-

tain crimes.*

- | | |
|---|--------------------------------|
| 1 Forgery, counterfeiting, uttering bank bills, | 3 Larceny, punishment for. |
| 2 Forgery and counterfeiting gold and silver | 4 Part of former law repealed. |
| com, punishment. | 5 Former laws repealed. |

Be it enacted by the General Assembly of the Territory of Missouri, [as follows:]

1. If any person or persons within this territory shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willfully aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be, a bill or note issued by order of the president, directors and company of any bank of the United States, or any individual state or territory, or body politic, or any order or check on any bank or corporation, or

*Repealed chap. 168, sec. 16.

any cashier thereof, or shall falsely alter or cause or procure to be falsely altered, or willfully aid or assist in falsely altering, any bill or note issued by the president, directors and company of any bank of the United States, or any individual state or territory, or body politic, any order or check on any bank, or corporation, or any cashier thereof, or shall pass, utter, publish, or attempt to pass, utter or publish any false, forged or counterfeited bill or note, issued by order of the president, directors and company of any bank of the United States, or any individual state or territory, or body politic, or any falsely altered order or check, on any bank or corporation, or any cashier thereof, knowing the same to be falsely altered, with intention to defraud and the said corporation, or any other body politic or person, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of the law, shall be sentenced to be imprisoned for a period not less than six months, nor more than five years, and not fined not exceeding one thousand dollars, and shall from and after such conviction, be incapable of holding any office, of profit or trust in this territory, or of being a witness or juror, or of voting at any election.

2. If any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made or forged or counterfeited, or willfully aid or assent in falsely making, forging or counterfeiting any gold or silver coins which have been, or

in the United States by any law of the United States, and which is current, or shall be current money in this territory; or if any person shall utter as true, or aid or assist in uttering as true, any false, forged or counterfeited coins of gold or silver as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged or counterfeited, the person so offending shall be deemed guilty of felony, and being thereof convicted a cording to law, shall be fined in a sum not less than one hundred dollars, nor more than one thousand dollars, and shall be imprisoned not less than three months, nor more than three years, and shall be incapable of holding any office of profit under the

territory, or of being a witness or juror, or of voting at any election.

3. Any person or persons, on conviction of larceny, shall be whipped on his or her bare back, not exceeding thirty-nine stripes, at the discretion of the court, or who shall be convicted of stealing any horse, or horses, mares, or geldings or sheep, or who shall be convicted of robbery or arson, under the laws of this territory, in addition to the punishment inflicted by said laws, shall be incapable of holding any office of profit or trust within this territory, or of being a witness or juror, or of voting at any election.

4. So much of the 33d section of the act, entitled "an act for the punishment

CRIMES AND PUNISHMENTS.

SECT. 1, 65, 80, 91, 211 223.

*making and counterfeiting, and the passing forged and false bills or notes, and for other purposes.**

| | |
|------------------|--|
| bank bills, | 7 Frames or moulds for making paper, plates, tools, instruments, &c. forged, how disposed of. |
| giving endorse- | 8 Horse stealing, felony—punishment. |
| ment, and | 9 Larceny, first offence how punished—second offence how punished. |
| for making | 10. Convict may be bound out to pay fine. |
| attaching plates | 11. Slave convicted of theft, restitution how made—not be punished with fine and imprisonment. |
| device for ma- | 12 Assault and battery, how punished. |
| nished | 13 No person to use more than one mark or brand. |
| ing frame or | 14 Person using more marks or brands than one, how punished. |
| plate, without | 15 Oath of sheriff when required to inflict stripes upon any person. |
| to be given in | 16 Laws repealed. |

Assembly of the Territory of Missouri, [as follows:]

Who within this territory, shall falsely make, forge, or assist in falsely making, forging, or counterfeiting of, or purporting to be, a bill or note, issued by order and company of any bank of the United States, or any copartnership, or body politic, or any order or check, or any cashier thereof, or shall falsely alter or cause to be altered, or willingly aid or assist in falsely altering, any bill or note, or any order or check, or any cashier thereof, or any directors and company of any bank of the United States, or territory, copartnership or body politic, or any corporation, or any cashier thereof, shall be deemed guilty, and on conviction thereof shall be fined in any sum not less than two hundred and fifty, nor more than five hundred dollars, stand in the pillory four hours, receive on his back not less than two hundred and fifty, nor less than fifty stripes or lashes, and be imprisoned for not more than six months, and be rendered incapable of being a juror at any election, or holding any office of profit or trust for one year.

Who within this territory shall pass, utter, or publish, or cause to be passed, uttered, or published, as true any falsely altered, forged, and counter-

feited bill or note, in imitation of, or purporting to be a bill, note, or check issued by order of the president, directors, and company of any bank of the United States, or by order of any individual State, territory, copartnership, or body politic, or any false, forged, or counterfeit order or check, upon any bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter or publish as true, any falsely altered, forged, or counterfeit bill or note, in imitation of, or purporting to be a bill or note issued by, or by order of, the president, directors, and company of any bank of the United States, or any individual State or territory, or body politic, or any falsely altered order or check, on any bank or corporation, or any cashier thereof, knowing the same to be falsely altered, forged, or counterfeited, with intention to defraud the said banks, or any of them, or any corporation, body politic, or any other person, or shall falsely make, alter, forge, or counterfeit, or cause or procure to be made, altered, forged or counterfeited, or willingly aid or assist in the falsely making, forging, or counterfeiting any endorsement or assignment of any bill or note, or exchange or promissory note or other security for the payment of money, or delivery of goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for a note, bill, or other security for the payment of money or delivery of goods, or any receipt of any money paid, or contract discharged, or any warrant or order for the payment of money or delivery of goods, with intent to defraud any person or copartnership whatsoever, or shall utter or publish as true, any false, altered, forged, or counterfeited endorsement or assignment of any bill of exchange or promissory note, for the payment of money or delivery of goods or acceptance of any bill of exchange, or accountable receipt for any note, bill, or other security for the payment of money or delivery of goods, or any warrant or order for the payment of money or delivery of goods, with intent to defraud any person or persons, or corporation, knowing the same to be falsely altered, forged, or counterfeited, every such person so offending shall be deemed and adjudged guilty of felony, and on conviction thereof, by due course of law, shall pay to the party injured double the value of the money of which he was defrauded, or attempted to be defrauded, shall receive on his, her, or their bare back not more than seventy-five lashes, shall stand two hours in the pillory, shall be fined not exceeding one thousand dollars, and stand committed until the sentence of the court be complied with, and from and after such conviction be incapable of holding an office in this territory, or of being a witness, a juror, or of voting at any election.

3. If any person in this territory shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using of any frame or mould, or part of any frame, or mould for the making of paper, with the name of any firm appearing visible in the substance or on the surface of the paper, or any person or persons, body politic or corporate, or other banking company, or partnership carrying on the business of bankers, without an authority in writing for that purpose, from such person or persons, body politic or corporate, or other banking company or partnership, or from some person or persons authorised to give such authority, or shall manufacture, or make, or cause or procure to be manufactured or

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by the governor thereof, who shall commission the
 hereinafter named, and who shall be elected and commissioned
 of this act, for failing to perform any of the
 as acts, shall incur the same penalties as is prescribed by
 territory of Missouri for the non-performance of
 respective duties or offices.
 and returns hereinafter mentioned shall be by express or
 to other services of a similar nature.
 militia laws of the territory of Missouri, not inconsis-
 provisions of this act, shall remain in force for the regular
 otherwise amended or repealed, and the several sections here-
 under this act, shall govern themselves as if they were
 parts of acts existing in the militia of this state, passed
 the Missouri territory, and the same shall be
 hereby repealed.
 as then and after they passed thereon.

Approved, December 12, 1820.

SECRETARY OF STATE

CHAPTER 32.
 Duties of the Secretary of State, and regulating his
 office.*

Section 1. The Secretary of State, shall be elected by the
 General Assembly of the State of Missouri, [as follows]
 of state within one month after the passage of this act
 of state, before entering on their duties and after having
 tion prescribed by the constitution, shall give bond to the
 the state, in the sum of eight thousand dollars with two
 es, to be approved of by the governor, conditioned for
 performance of the several trusts and duties of the
 two months thereafter, be duly proved or acknowledged
 court or any judge thereof, and entered and filed of record
 said court.
 duties prescribed by the constitution, it shall be the further
 of state, to deliver copies of all bonds and recognizances

ed in his office to any person applying for the same, which being certified by him
 under the seal of state, shall be admitted as legal evidence in all cases to submit
 the books, papers and accounts of his office to the inspection and examination of
 committees of either branch of the general assembly, and furnish such copies or
 extracts therefrom as may from time to time be required by the general assembly
 any committee thereof; to carefully preserve in his office, the original rolls of
 acts and resolutions of the general assembly, to collate with and correct by the
 original rolls, the proof sheets of the printed copies of the acts and resolutions
 general assembly, to affix thereunto proper marginal notes stating the purport
 each paragraph or section, before the same shall be published, and to prefix to
 each volume of the laws an attestation under his hand, that he has collated the
 and resolutions contained therein, with the original rolls and corrected the
 thereby, and to make report quarterly to the auditor of public accounts, of
 remissions of fines and forfeitures granted by the governor.

This act shall take effect and be in force from and after the passage thereof.

Approved, December 12, 1820.

CHAPTER 33.

BANKING.

AN ACT to prevent the circulation of private Bank Notes.*

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|--|--|
| 1. To issue notes, &c., as a circulating medium, without authority of law—penalty— | 2. Penalty for circulating such notes—proviso |
| 3. To so doing—fine—imprisonment—proviso | 3. Offenders against this act may be held to give security for good behavior |
| | 4. This act to be published. |

Be it enacted by the General Assembly of the State of Missouri, [as follows.]

It shall not be lawful for any person or persons, bodies politic or corporate who shall not have been authorised or empowered by a law in force in this state to do, with the intention to create or put into circulation a paper circulating medium, [to] issue or circulate, or directly or indirectly cause to be issued or put into circulation any note, bill, check, or ticket; purporting or evidencing, or intended to purport or evidence, that any sum of money will be paid to any person receiving or holding such note, bill, check, or ticket, or that it will be received in payment of any debts or dues, or to be passed or used as a general currency or medium of sale, traffic, or commerce in lieu of money; and if any person or persons, bodies politic or corporate, not being so authorised as aforesaid, shall contrary to the intent and meaning of this act, directly or indirectly issue or put into circulation or shall sign, countersign, or endorse any note, bill, check, or ticket as aforesaid with intent as aforesaid, shall be held and taken, and he, she or they, are hereby

*Revised, R. T. 1841, p. 560, sec. 15.
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declared to be guilty of misdemeanor, and upon conviction thereof on indictment, or information, or presentment, shall be fined in a sum not less than one hundred dollars, nor more than three hundred dollars, and imprisonment for a term not less than two months, at the discretion of the court, before whom such conviction shall be had; *provided*, that nothing herein contained, shall be construed to prevent any individual from giving his or her bond, or note, in consideration of any contract, or for any sum which may be *bona fide* due to the person receiving the same, or the holder thereof from transferring the same, *provided*, he, she, or they so making the transfer, shall endorse his, her, or their name on the back thereof, or for drawing a check or draft for any sum actually due to the drawer.

2. If any person or persons, society or company of men, shall either vend or pass, or shall receive in payment, or offer in payment any bills of credit, notes, or other paper currencies whatever, which either have been, or hereafter shall be struck, issued, emitted, or put in circulation, to be paid or used as a general currency or medium of trade, traffic, or commerce, in lieu of money as mentioned in the preceding section of this act, on the face or credit of any private person or persons, society or company of men, either in the state or any of the states or territories of the United States; or any person or persons, society or company of men so offending, shall be liable and pay for each and every offense the sum of fifty dollars, to be recovered by action or debt, commenced on this statute, with costs of suit, to the use and benefit of the person or persons who shall sue for the same, before any justice of the peace of the county where the offense was or have been committed; *provided*, that this section shall not be construed to render the notes issued, by any bank authorized by law in this state, or any of the states or territories of the United States, except those notes which are or shall hereafter be issued for a less sum than one dollar; nor shall it affect any person or persons who shall present any of such paper currency for payment to the person or persons, society or company of men who issued the same.

3. Any offender against the provisions of the first section of this act, may at any time be apprehended by warrant of any justice of the peace, and bound to appear at the next circuit court to be held in the county, when he or she may be compelled to enter into a recognizance with security, conditioned for his or her good behavior during twelve months, and more particularly not to violate this act; and if he or she afterwards offend in like manner, it shall be deemed a breach of recognizance.

4. It shall be the duty of the secretary of state as soon as may be, to cause this act to be published three several times, in all the newspapers printed in this state.

This act shall commence and take effect from and after the first day of April next.

Approved, December 12, 1820.

COUNTY BUILDINGS.

CHAP. 175, 214, 221, 236, 319, 396, 421

AN ACT to provide for erecting county buildings.

- | | |
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| Commissioners to be appointed, on petition of a majority of taxable inhabitants—their duties—oath—bond—qualifications. | to take bond from undertakers. |
| County court to levy tax to defray expenses of commissioners to contract for the building of court house and jail—to fix the plan— | 4 Commissioners to draw on county treasury &c. |
| | 5 Further powers and duties of commissioners. |
| | 6 County court to cause court house and jail to be kept in repair, &c. |
| | 7 Trespassers on county property, how punished |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Whenever the county court, for any county of this state, shall think it necessary or expedient to erect a court house or jail for the use of such county, the sitting of which shall not be otherwise provided for, on petition of a majority of the taxable inhabitants of said county, shall appoint not less than three, nor more than seven persons, to be commissioners for selecting a proper piece of ground at an established seat of justice of such county, and causing to be erected thereon, a good and sufficient court house or jail (as the case may be) for the use of the county; and the said commissioners, or a majority of them, so appointed, shall be authorized to purchase or secure by donation a lot or lots of ground for the purpose aforesaid, and shall take to them and their successors in office, a good and sufficient deed for the same, with a clause of general warranty, to and for the use of said county; but before such commissioners shall be authorized to proceed under this act, they and each of them shall take an oath or affirmation faithfully and impartially to discharge the duties enjoined on them by this act; and shall moreover enter into bond and sufficient securities in the sum of not more than ten thousand dollars, and not less than one thousand dollars, to be approved of by said court, to the governor and his successors in office, for the use of such county, conditioned for the faithful discharge of the duties enjoined on them by this act; which bond shall be filed in the office of the clerk of such court; and the said court shall from time to time fill any vacancy which may happen in the office or appointment of any of the said commissioners.

2. The said court shall be, and is hereby authorized to levy and cause to be collected from time to time in said county such amount of taxes as may be necessary for the purposes of carrying into effect the objects aforesaid, not exceeding the sum of ten thousand dollars for a court house, or the sum of five thousand dollars for a jail, in the whole, which said tax shall be imposed on all objects of taxation, which now are, or may hereafter be made taxable by law, for state or county purposes, not exceeding fifty per centum on the amount imposed by law in any one year; and the said court shall cause to be made out a list of the taxes to be imposed by virtue of this act, and deliver the same to the sheriff or collector of the county

AN ACT for the establishment of Loan Offices.*

ve districts—a loan office
ch—location—commissioned—tenure of office.
oy-laws, and appoint clerks.
to issue certificates to
200,000—each not to exceed
than 50 cents—form of cer-
e to be appointed—to give
d clerks to qualify—form of
ed.
illed.
pers.
ficers.
o report every three months
auditor to gen'l assembly.
nacting business subject to
l assembly.
ivable for taxes and salaries.
nsurer to deliver clerk his pro-
fificates—proportion how as-
to loan—to whom and on what
ises.
nal security.
age—accompanied by a note.
be recorded—applicant to pro-
from clerk, and also make
anincumbrance of property to

- be mortgaged—mortgage to be recorded at expense of mortgagor.
- 19 Form of note accompanying mortgage on real estate—on personal security.
- 20 When mortgaged premises to be advertised and sold—for cash or certificates—commissioners to convey to purchaser, or may purchase for the state—notes to be put in suit.
- 21 Penalty for forging or counterfeiting.
- 22 Amount to be loaned to individuals or commissioners—terms.
- 23 Salt springs to be leased—lessee to receive certificates for salt—funds and faith of the state pledged for the redemption of certificates.
- 24 One tenth part withdrawn annually from circulation—clerk to deliver same—which shall be destroyed by treasurer in the presence of the governor and auditor, who shall certify to gen'l assembly the number &c.
- 25 Redemption of certificates.
- 26 Officers forbid from loaning out &c., certificates at illegal interest—penalty for so doing.
- 27 When commissioners to meet.
- 28 Calculation of interest.
- 29 Governor to receive proposals for a loan in gold and silver sufficient to redeem certificates.
- 30 Commissioners to rent rooms for transaction of business—\$2,000 appropriated to carry this act into effect.

establishment of a Loan Office under proper regulations, would in
on of this General Assembly, be of great utility as well to the state
citizens thereof;

re enacted by the General Assembly of the State of Missouri, [as follows:]

shall be divided into five districts, the first district shall be composed
es of Ray, Chariton, Howard and Boone; the second district shall be
the counties of Lillard, Saline, Cooper and Cole; the third district shall
of the counties of Ralls, Pike, Lincoln, St. Charles, Montgomery,
sconade and Franklin; the fourth district shall be composed of the

sed of the counties of
and New Madrid; in each of which districts a loan office shall be established
be located as follows, to wit:

For the first district, at the town of Chariton, in the county of Chariton
the second district, at Boonville, in the county of Cooper; for the third district
St. Charles, in the county of St. Charles; for the fourth district, at St. Louis
the county of St. Louis; for the fifth district, at Jackson, in the county of
Girardeau; each of which loan offices shall be under the management of
commissioners, to be chosen by joint vote of both houses of the General Assembly.
The first commissioners shall continue in office until the stated session of the
General Assembly, to be held in the year eighteen hundred and twenty-two
which session, and at every stated session thereafter, a new election shall
manner take place, and all the said commissioners so chosen shall continue in
until their successors are duly qualified.

2. The said commissioners for the time being, or a majority of them, shall
power to make, establish and put in execution, such by-laws and regulations
them may appear proper and necessary for the government and management
their offices respectively, and the carrying this act into effect; and they shall
have power to appoint and prescribe the duties of a clerk for carrying on the
ness of the institution, whose duration in office shall be commensurate with
own; *provided always*, that such by-laws and regulations be not repugnant
provisions of this act, nor to the constitution and laws of this state.

3. The auditor of public accounts and treasurer, under the direction of the
emor shall, and they are hereby required to issue certificates, signed by the
auditor and treasurer, to the amount of two hundred thousand dollars, of
denations not exceeding ten dollars, nor less than fifty cents, to bear such
they may deem the most safe, in the following form, to wit: This certificate
be receivable at the treasury, or any of the loan offices of the state of Miss-
the discharge of taxes or debts due to the state for the sum of \$
interest for the same, at the rate of two per centum per annum from this

day of

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4. The said commissioners shall appoint a clerk to each of their offices
tively, and prescribe his duties; and the said clerks shall, before entering
duties of their respective offices, severally enter into bond with sufficient
in such penalties, not exceeding double the amount of the certificates to be
ted in the respective offices, as the commissioners thereof shall deem re-
and which bonds shall be made payable to the state, and conditioned for
behavior and faithful discharge of the duties of such clerks in their
offices.

5. Before any of the said commissioners or clerks shall enter on the
their respective offices, they shall severally take and subscribe the follow-
or affirmation before some judge or justice of the peace, to wit: "I, A.
lennly swear or affirm, as the case may be, that I will faithfully discharge

ties of commissioner, or clerk, as the case may be, of the loan office of the state of Missouri, for the district, according to the best of my abilities, and that I will not directly nor indirectly, for myself or others, during my continuance in office, loan out the funds of the office at a greater interest than is allowed by law—*so help me God.*"

6. It shall be the duty of every commissioner and clerk, before he enters on the duties of his office, to cause his said bond, oath or affirmation, to be deposited and recorded in the office of the clerk of the circuit court of the proper county.

7. In case of the death, resignation, removal out of the district, or refusal to act, of either of the commissioners, of any of the said offices, a majority of those remaining in office shall fill up such vacancy, and the person or persons so appointed, shall hold their offices during the remainder of the term for which the commissioner so dying, resigning, removing or refusing to act, had to serve.

8. None of the said officers shall become indebted to, or security for any debt contracted with, or on behalf of this state, at either of the said offices, to a greater amount than one thousand dollars.

9. No person who may be a president or director of any bank, shall be eligible to the office of commissioner, or clerk of any of the offices, hereby directed to be established.

10. It shall be the duty of the commissioners of each of the said offices, to cause to be delivered once in every three months, to the auditor of public accounts, an accurate and detailed report, signed by them, or a majority of them, with their clerk, of their proceeding during the preceding three months, and the then situation of their office; stating therein the names of the persons to whom any certificates were loaned, with the amount loaned to each, and in what manner and how secured; and the auditor of public accounts shall cause such detailed report, including proper ones from his own office, to be brought into one general view, and presented to the general assembly at every stated session, and during the first week thereof.

11. The clerk of each loan office shall be allowed the sum of five hundred dollars per annum, payable half yearly.

12. The several loan offices, the manner of proceeding and transacting business therein, shall always be subject to the control of the general assembly, and the said commissioners of all the said offices shall keep fair and regular entries, in a book or books to be kept for that purpose, of their proceedings, and on any question when a commissioner shall require it, the yeas and nays of the commissioners shall be duly inserted on their minutes, which shall at all times on demand, be produced to the general assembly, or any committee of either house thereof, who may be legally authorised for that purpose.

13. The certificates of the said loan office shall be receivable at the treasury of the state, and by all tax-gatherers and other public officers, in payment of taxes or other moneys now due, or to become due to the state or any county or town therein, and the said certificates shall also be received by all officers civil and military in the state, in the discharge of salaries and fees of office.

14. Whenever the clerk of any of the several offices shall furnish the auditor and treasurer with a certificate signed by the clerk, and under seal of the circuit court of the county in which an office is located, stating therein that the commissioners and clerk of said office had filed, and he had recorded, the oaths of office and bond herein before required to be taken and recorded; it shall be the duty of said auditor and treasurer, to deliver to the said clerk of the said office, a proportionable amount of the certificates hereby and herein directed to be issued, which proportion shall be ascertained, agreeably to the enumeration of the inhabitants of this state, as taken by the marshal of the district of the late territory of Missouri.

15. The commissioners of the said loan offices shall have power to make loans of the said certificates to citizens of this state residing within their respective districts only, and in each district a proportion shall be loaned to the citizens of each county therein, according to the number thereof, secured by mortgage or personal security; provided, that the sum loaned on mortgage, shall never exceed one half the real unincumbered value of the estate so mortgaged; provided also, that no loans shall ever be made for a longer period than one year, nor at a greater interest than at the rate of six per cent. per annum, which interest shall be always payable in advance, nor shall a loan in any case be renewed, unless the interest on such re-loan be also paid in advance; provided also, that the commissioners aforesaid, shall never make a call for the payment of any instalment at a greater rate than ten per centum for every six months; and that whenever any instalment to a greater amount than at the rate of ten per centum per annum be required, at least sixty days previous notice shall be given to the person or persons thus required to pay; and provided also, that all and every person failing to make payment shall be deprived in future of credit in such office, and be liable to suit immediately for the whole amount by him or them due.

16. The said commissioners of each of the said offices are further authorised to make loans on personal securities by them deemed good and sufficient for sums less than two hundred dollars, which securities shall be jointly and severally bound for the payment of the amount so loaned with interest thereon, under the regulations contained in the preceding section of this act.

17. The mortgages to be taken as security on loans from the said offices, or either of them, shall be in the form following, to wit:—I, A B do assign and transfer to the state of Missouri, (here describe the premises,) which premises I declare to be in mortgage for the payment of \$ _____ with legal interest at the rate of six per centum per annum, from the _____ day of _____ (the time when due), and I do agree that the same may be exposed to sale if I do not pay the principal at the time when the same becomes due with interest that may thereafter accrue. Witness my hand and seal the _____ day of _____ 182 _____, which mortgages shall be accompanied with a note for the sum so borrowed, and shall be valid to all intents and purposes.

18. All mortgages taken for loans of certificates, for money under the authority of this act, shall be recorded as other deeds, and with like effect as to priority of lien, and the person or persons applying for a loan shall produce a certificate from

of the said county in which the estate intended to be conveyed is no conveyance or incumbrance on the same in his certificate no tax shall be charged, and shall moreover certify that the said loan office, that there is no incumbrance or equity that he knows or believes of, on the said property intended, before he shall be entitled to receive the loan which he has made; *provided however*, that the mortgage so taken shall be paid by the mortgagor within thirty days after the expiration of the mortgage.

Loans secured by mortgages, shall be in the form following, to wit: Pay to the state of Missouri, on the _____ day of _____, at, (here name the office,) for the securing of which payment is made a mortgage to the said state, of certain lands or houses (may be,) in the county of _____ dated, this _____ day of _____, a term of a note on personal security, shall be as follows, to wit: I hereby promise to pay to the state of Missouri, on the _____ day of _____, the sum of \$ _____ at, (here name the office,) for value received by me.

Where the amount loaned on mortgage shall be due, or in arrears, of the said offices respectively, shall be, and they are hereby required, if they shall think fit, to cause the said mortgaged premises to be sold for sale, for at least sixty days in some newspaper published in the said county, to make sale of all or so much of the said mortgaged premises as may be necessary, for cash, or certificates issued under the authority of this act. The amount then due with interest and costs of sale, and make conveyance to the purchaser or purchasers, or they may purchase the same in full for cash, and all notes on personal security, shall be put in suit by the said officers if they think fit, at any time after they become due, and the said debts of superior dignity, and paid by executors and administrators of the said deceased.

After funeral expenses and charges of last illness, the said officers shall forge or counterfeit any certificate, or shall erase or alter any certificate, or shall vend, exchange, utter or barter any such altered or counterfeit certificate, knowing it to be such, or shall knowingly receive the same exchanged with intention to defraud, and all and every person who shall do any of the aforesaid offences, shall be liable to the same penalties as is now prescribed by law for counterfeiting and uttering false certificates.

The commissioners of the said several offices shall in no case loan more than one hundred dollars to any one individual, and the said several commissioners shall be entitled to receive one thousand dollars on loan, to be secured in any manner as if made to other persons, without interest during their continuance, which shall be in full compensation for their services.

The said assembly shall as soon as may be, cause the salt springs and lands, and the right of the said state, to be leased out, and it shall be the duty of the said auditor and treasurer to withdraw annual

shall always be the duty of the said auditor and treasurer to withdraw annual from circulation one-tenth part of the certificates which are hereby required to be issued, and the clerks of the several offices shall, on notice being given them, present and deliver over to the order of the auditor and treasurer, one tenth part of the amount of the certificates originally furnished to the said offices; which several amount of certificates shall be destroyed by the treasurer, in presence of the governor and auditor of the state, who shall under their hands certify to the general assembly at their stated sessions, the number, date, and amount of the several certificates thus destroyed.

24. It shall be the duty of the said auditor and treasurer to withdraw annual from circulation one-tenth part of the certificates which are hereby required to be issued, and the clerks of the several offices shall, on notice being given them, present and deliver over to the order of the auditor and treasurer, one tenth part of the amount of the certificates originally furnished to the said offices; which several amount of certificates shall be destroyed by the treasurer, in presence of the governor and auditor of the state, who shall under their hands certify to the general assembly at their stated sessions, the number, date, and amount of the several certificates thus destroyed.

25. Whenever the treasurer shall think proper, under the direction of the general assembly, to appropriate any moneys belonging to the state, to the payment or redemption of any of the certificates hereby directed to be issued, it shall and he shall be lawful for said treasurer to cause notice to be published in one or more newspapers printed in this state, for at least three months, specifying therein the amount, date, and number of the said certificates, and the time when, and office where, the same will on presentation be paid off; and if the holders of such certificates so designated shall fail to present the same for payment accordingly, all interest which might otherwise accrue thereon, shall thereafter cease.

26. No auditor, treasurer or clerk, in any of the several offices hereby established, sheriff, coroner, constable or collector of any state, county or town, shall at any time be concerned either directly or indirectly in the practice of advancing or loaning out the certificates hereby directed to be issued, at any illegal rate of interest, or in purchasing or selling the same at a discount, whether the same be done or effected under the form or color of a purchase, or exchange of notes, acceptances, acknowledgments, or any other ways or means whatsoever, and every such treasurer, auditor, clerk, sheriff, coroner, constable, or collector of any state, county or town tax, who shall be concerned as aforesaid in any such practice shall, on conviction thereof, forfeit and pay for each offence five times the amount of the certificates thus purchased or sold, to be recovered by action of law in any court of record having jurisdiction of like sums, one half to the use of the state, and the other half to the use of the state.

27. The commissioners shall meet for the transaction of business whenever they may deem it necessary, and at least once in every month.

28. The amount of interest which will have accrued on the certificates when the loan becomes due, shall be calculated as part of the loan, and all interest will

may have accrued, shall be calculated on any payments made under the provisions of this act.

29. The governor of this state is authorised, and hereby required to receive proposals for the loan of any amount in gold or silver, equal to the amount of certificates required to be issued under the authority of this act; which proposals shall be by him submitted to this general assembly at its next session, for their acceptance or rejection; and the amount of the loan, if accepted by the general assembly under the authority of this act, shall constitute and be a fund for the redemption of said certificates.

30. The several commissioners shall have power, and are hereby required to rent suitable rooms in which to transact the business of their respective offices, and the sum of two thousand dollars is hereby appropriated to enable the governor, auditor and treasurer, to carry this act into effect.

This act to be in force from and after the passage thereof.

Approved, June 27, 1821.

CHAPTER 314.

COMPENSATION.

CHAP. 90, 116, 133, 160, 163, 164, 189, 341, 314, 442.

*AN ACT to reduce the compensation of members of the General Assembly.**

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| <p>1 Compensation three dollars per day.</p> <p>2 Pay of president of the senate and speaker of house of representatives.</p> <p>3 Compensation of clerks and doorkeepers—mi-</p> | <p>nimum amount of certificates to be issued by auditor—certificates a lawful tender to any collector, &c. or for any debts due the state—repugnant acts, repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The members of the present general assembly, after the passage of this act, and all future general assemblies, shall be entitled to three dollars by the day for attendance on the said assemblies, to be paid them out of the public treasury, in lieu of what has been heretofore allowed.

2. The president of the senate shall be allowed four dollars and fifty cents per day, and the speaker of the house of representatives four dollars and fifty cents per day, while acting as such, and the rates of mileage as other members.

3. The clerk of the house of representatives shall be allowed the sum of five dollars per day, and the secretary of the senate shall be allowed the sum of five dollars per day, for their services. And the doorkeeper of the senate and of the house of representatives shall be allowed the sum of three dollars per day for their services. And the assistant clerk of the house of representatives, and the assistant clerk of the senate shall be allowed the sum of four dollars per day for their ser-

*Obsolete.

vices. And the auditor of public accounts shall issue to any person having a demand on the state treasury, a certificate or certificates therefor, not less than three dollars, and the said certificates shall be a lawful tender to any collector, sheriff, or clerk, for the payment of taxes or other debts, due to the state. All acts, or parts of acts, that are contrary or repugnant to this act, are hereby repealed.

This act shall commence and be in force from and after the passage thereof.

Approved, June 27, 1821.

CHAPTER 315.

EXECUTIONS.

CHAP. 334, 349, 361, 387.

*AN ACT reserving certain property from Execution.**

- 1 Property not subject to execution. 2 Other articles exempt from execution—proviso.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. After the passage of this act, the following species of property, to wit: the spinning wheels and cards, one loom, and other apparatus necessary for making cloth in each private family, one cow and calf, and all the spun yarn or thread to be manufactured for family use, shall not be subject to execution or distress.

2. The cloth manufactured in private families for their exclusive use, with the clothing and necessary apparel of the woman and children, which are the proceeds of her industry, together with one bed and furniture, shall, in like manner, be free and exempt from execution or distress; *provided*, that where any person may wish to take the oath of an insolvent debtor, he, she, or they, may do so with the exception of the articles exempted from execution in this act, the same as if it had never passed; *provided also*, that nothing in this act shall be so construed as to affect any contract heretofore made. All and every act, or parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Approved, June 27, 1821.

CHAPTER 316.

PENAL BONDS.

AN ACT to regulate the proceedings on penal bonds.†

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| <p>1 Principal, interest, and costs deemed a free discharge.</p> <p>2 Jury may assess damages—in what cases—af-</p> | <p>ter judgment or execution all proceedings to be stayed—in what cases.</p> |
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*Repealed R. L. 1825, p. 500, sec. 13.

†Continued in force. R. L. 1825, p. 494, sec. 13.

said four sections of land accepted as aforesaid, and a town shall be laid out thereon, and the lots sold in such manner as shall be prescribed by law.

3. It shall be the duty of the governor to transmit an authenticated copy of this act, immediately after the passage thereof, to the surveyor of the United States for the states of Illinois and Missouri, and territory of Arkansas.

Approved, December 31, 1821.

CHAPTER. 352.

COUNTIES.

CHAP. 95, 120, 128, 162, 220, 225, 226, 228, 229, 230, 231, 232a, 233, 263, 265, 267, 268, 269, 274, 275, 276, 303, 305, 310, 315, 347, 355, 390, 419.

*AN ACT extending the permanent limits of the county of Boone.**

1 Certain territory included in Boone county.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. All that part of the county of Boone which lies due north of said county, and now forms an appendage to said county of Boone, be, and the same is hereby declared to be permanently included in said county of Boone.

This act shall be in force from and after the passage thereof.

Approved, January 2, 1822.

CHAPTER 353.

LOAN OFFICES.

CHAP. 313, 358, 369, 375, 386, 439.

AN ACT authorising an amount of Loan Office Certificates to be placed in the State Treasury for the purpose of redeeming the Certificates drawn by the Auditor of Public Accounts on the State Treasurer.†

1 \$50,000 loan office certificates to be issued | and deposited in the Treasury.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The auditor of public accounts, and the state treasurer, under the direction of the governor, shall issue fifty thousand dollars of loan office certificates, and deposit the same in the state treasury for the purpose of redeeming the auditor's certi-

*Repealed, R. L. 1825, p. 500, sec. 17.

†Repealed, chap. 439, sec. 10.

ates, which have or may hereafter be drawn on the state treasurer; and it shall be the duty of the state treasurer to make report to the next general assembly of the amount of the loan office certificates by him applied for the purpose of redeeming the auditor's certificates agreeably to the provisions of this act.

This act shall take effect and be in force from and after the passage thereof.

Approved, January 2, 1822.

CHAPTER 354.

SEATS OF JUSTICE.

CHAP. 88, 89, 328, 340, 383, 398, 403, 424, 441.

AN ACT for removing the seat of justice of the county of Lincoln.

Preamble.

1 Commissioners appointed—their powers and duties.

2 To take oath.

3 Courts continued at Monroe until permanent

place be selected.

4 Commissioners of court house and jail appointed—their powers and duties, and how discharged—to give bond—vacancies how filled—remaining lots how disposed of.

WHEREAS, it appears to this general assembly that the inhabitants of the county of Lincoln suffer great hardships and inconvenience, occasioned by their seat of justice for said county having been located at the town of Monroe, which is situated in the southeast corner thereof, and a great majority of the citizens of said county having petitioned this present general assembly for the passage of a law for the removal of the said seat of justice to the centre, or some eligible spot not exceeding three miles of the said centre:

Be it therefore enacted by the General Assembly of the State of Missouri, [as follows:]

1. Robert Guy, of the county of Pike, Francis Howel, sen., of the county of St. Charles, William T. Lamme, of the county of Montgomery, be, and they are hereby appointed commissioners, with full power and authority to point and fix upon the most suitable site at the centre, or within three miles of the said centre of the county of Lincoln, whereon to erect a court house and jail for said county and the place whereon they, or a majority of them, shall agree on, shall be the permanent seat of justice for the said county of Lincoln.

2. The said commissioners, before they proceed to perform the duties hereby assigned them, shall take an oath or affirmation before some justice of the peace, well and truly and faithfully to perform the duties assigned them by this act.

the time when, and place or name of the township and county where such writs, summons, execution or other process was served, and how; and any sheriff, coroner or constable, neglecting or refusing to comply with this requisition shall not be entitled to demand or receive any fee for the service or execution of the same.

9. The clerks of the respective counties shall endorse on every execution by them issued, the fees due to each officer and any other person, distinctly, and shall at the time of issuing an execution or fee bill, or of recovering any fees due to them by any party or other person, enter in a particular book the several items, by words at full length, for which he has charged, and deliver to any party or person from whom such fees are due on demand, a full and complete copy of the entry made in said book, without any compensation for the same; and whenever any trial is instituted against any clerk or other officer for having asked, demanded or taken illegal fees, they may give in evidence on trial, the book or books in which such entries are made; and every sheriff, coroner, justice of the peace, constable, and every other officer or person to whom fees may be due and owing, as recited in this act, shall not be collected or paid by any person against whom the same may be exhibited, either on execution, fee bill or otherwise, until the sheriff, coroner, justice, constable, other officer or person, shall produce and deliver unto the person owing or chargeable with the same, if demanded, a fee bill or account in writing, containing in words at length the particular items for which such fees are charged, signed by such sheriff, coroner or other officer or person, to whom the same may be due.

10. If any officer shall hereafter ask, charge, demand or receive any more or greater fees for their services, than is herein before set down, ascertained and established, or if any of the officers aforesaid shall ask, demand or receive any of the fees herein before recited and established, where the business which such fees are chargeable shall not have been actually done and performed, (to be proved by the fee book of such person upon his oath or affirmation,) such officer, for every such offence, shall forfeit and pay to the party injured, or against whom the same shall have been charged, besides such fee or fees, five dollars for every particular article, item or fee asked, demanded, charged or received, to be recovered with costs on action of debt, before any justice of the peace within this state; *provided*, the same be sued for within twelve months from the time the offence shall have been committed.

11. Loan office certificates, or the certificates issued by the state auditor, shall be a lawful tender for the payment of all fees allowed to any officer or other person named in this act, and for the payment of all fines and forfeitures accruing to the state, or any county treasury; and where any person shall be convicted and unable to pay the costs attending such conviction, or where any person shall be acquitted, all such necessary costs shall be paid out of the state treasury, if the fine accrued to the state, if not, all such costs shall be paid out of the treasury of the county to which the fine would have accrued.

12. An act ascertaining the fees of the several officers and persons therein named, and regulating the payment of costs on indictments, passed the seventh day of July, one thousand eight hundred and seven, except the second, fourth, eleventh

and twentieth sections thereof, "an act supplementary to the act entitled an act ascertaining the fees of the several officers and persons therein named, and regulating the payment of costs on indictments, and for other purposes," passed the fifth of November, eighteen hundred and eight, except the first section thereof, "an act explanatory of the act entitled an act ascertaining the fees of the several officers therein named, and regulating the payment of costs on indictments," passed the thirtieth of October, eighteen hundred and ten; so much of the fifteenth section of an act to amend "an act entitled an act regulating the mode of judicial proceedings in certain cases, and extending certain powers to the general court," passed twenty-second of January, eighteen hundred and sixteen, as relates to fees of solicitors; "an act supplementary to an act entitled an act ascertaining the fees of the several officers and persons therein named, and regulating the payment of costs on indictments, passed the eighteenth of January, eighteen hundred and sixteen, and all and every act or part of any act allowing fees to be charged, which fees are provided for and ascertained in this act, shall be, and the same are hereby repealed.

13. This act shall take effect and be in force from and after the first day of February next.

Approved, January 7, 1822.

CHAPTER 358.

LOAN OFFICES.

CHAP. 313, 353, 369, 375, 386, 439.

*AN ACT to amend an act entitled an act for the establishment of Loan Offices.**

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| 1 In what cases commissioners may require certificate from voters. | 5 Date and denomination of certificates, application not made within six months, may be loaned to any applicant in district. |
| 2 Applicant to deposit mortgage with recorder, and to certify to commissioners—a copy to be kept on file—duty of clerk and recorder in releasing mortgages—costs first paid. | 6 Penalty for false swearing. |
| 3 Form of note, where loan is secured by mortgage and on personal security. | 7 Ferry-men to take certificates at par. |
| 4 Rate of interest. | 8 Lands may be mortgaged where applicant resides. |
| | 9 Loan offices kept open two days in each week. |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Hereafter, whenever the commissioners of the respective loan offices of this state are not convinced that the estate offered to be pledged on mortgage as security for any loan applied for at any of the said loan offices, is worth twice the

*Repealed, R. L. 1825, p. 500, sec. 13.

amount of the loan applied for, it shall and may be lawful for them to require of the applicant to produce a certificate from the appraisers appointed to value property taken on execution in the township in which the estate lies, certifying under their oath of office what they believe to be the true value of such estate.

2. Before any loan shall hereafter be made on any pledge of real estate, the applicant shall deposit a mortgage with the recorder of the proper county, who shall endorse thereon the time when such mortgage was received for record, and certify to the commissioners a copy thereof under the seal of his office, which mortgage thus deposited shall be a lien upon the estate pledged, until the whole of the loan and relouns made thereon, and interest thereon, are paid to the state, and all mortgages heretofore made and duly recorded, shall be a lien upon the estate mortgage, until the whole of the loan, reloun and interest thereon, shall have been paid, any thing in any law to the contrary notwithstanding; and the clerks of the several loan offices shall keep on file the copies of mortgages certified as aforesaid, and in case the commissioners refuse to loan the sum applied for, or in case the whole of the principal and interest on any mortgage is paid, the clerk of the said loan office shall deliver over to the borrower or his agent the copy of the mortgage aforesaid, and endorse a release of the mortgage; which copy, when delivered to the recorder of the proper county, shall be by him kept on file in his office, and he shall thereupon enter satisfaction upon the margin of the record of such mortgage, which shall thereafter forever defeat and release the same, and shall likewise bar all actions brought or to be brought thereupon, or upon the note or notes accompanying the same, or any renewal thereof; *provided always*, that all costs which may accrue or have accrued shall be first paid.

3. Hereafter all notes given for loans made and secured by mortgages, shall be in the form following, to wit: "I promise to pay to the state of Missouri, on the

day of the sum of

dollars, and two per cent. per annum, the interest accruing on the certificates borrowed, from the first day of October, eighteen hundred and twenty-one, at

for the securing the payment of which I did on the

day of execute a mortgage to the said state, of certain lands or houses and lots (as the case may be) in the county of given under my hand this day of eighteen hundred and

And the form of a note on personal security shall be as follows: "We jointly and severally promise to pay to the state of Missouri, on the day of the sum of

dollars, and the two per cent. per annum, the interest accruing on the certificates borrowed, from the first day of October, eighteen hundred and twenty-one, at for value received this day of eighteen hundred and

4. The rate of interest to be charged by the commissioners at the several loan offices, shall be six per cent. per annum on the amount of the certificates loaned, in which amount the two per cent. interest accruing on the certificates shall never

be calculated; *provided*, this act shall always be construed to require of the borrower to refund to the state the amount of the two per cent. interest accrued on the certificates on any interest or instalment paid into the several loan offices.

5. The auditor and treasurer of the state, shall make all the loan office certificates which they may issue, to bear date on the first day of October, eighteen hundred and twenty-one, and they are hereby required, that of the amount authorised to be issued, twelve thousand dollars at least shall be of a denomination not less than twelve and an half cents, nor more than fifty cents; *provided*, that the signature of the auditor alone may be affixed to such certificates; that it shall be the duty of the commissioners of the several loan offices, to retain in their respective offices the several sums now appropriated and apportioned by law for each county, for at least six months, to await the applications for loans from such counties, and the clerks of the several loan offices shall cause public notice to be given, that unless applications shall be made by the inhabitants of the several counties for their proportion of the amount of loan office certificates, within six months from the date of such notice, that the certificates remaining in the loan offices will be loaned to any person residing in said district making application for the same, agreeable to the provisions of this act, and the act to which this is supplementary.

6. If any person shall falsely swear or affirm in any of the cases wherein an oath or affirmation is required to be taken by this act, or by the act to which this is an amendment, such person or persons upon conviction thereof, shall suffer all the pains and penalties to be inflicted for wilful and corrupt perjury.

7. If any licensed ferryman, or the agent of any licensed ferryman, whose license shall be granted after the taking effect of this act, shall refuse to receive loan office certificates at par in payment for ferrage, the license of such ferryman shall be thereupon forfeited, never thereafter to be renewed.

8. Any person owning lands situated in any of the loan office districts in this state, may mortgage the same to secure the payment of a loan in the district in which he shall reside, under the same regulations, limitations and restrictions, as are pointed out in this act and the act to which this is supplementary, securing the payment of a loan by mortgage on lands situate in the district where the applicant resides.

9. The several loan offices shall not be kept open more than two days in each week, unless for good cause the commissioners shall otherwise direct.

This act to be in force from and after the passage thereof.

Approved, January 7, 1822.

son, on the third Mondays of April, August and December. And in the fourth judicial circuit, for the county of New Madrid, on the first Mondays of February, June and October; for the county of Scott, on the second Mondays of February, June and October; for the county of Wayne, on the fourth Mondays of February, June and October; for the county of Madison, on the first Mondays of March, July and November; for the county of Ste. Genevieve, on the second Mondays of March, July and November; for the county of Perry, on the third Mondays of March, July and November; and for the county of Cape Girardeau, on the second Mondays of April, August and December.

6. Four terms of the county courts shall be holden in each county in every year, at the places appointed for holding courts therein respectively, at the times following, to wit: for the counties of Lillard, Ray, Howard, Gasconade, Pike, Jefferson and Ste. Genevieve, on the first Mondays of February, May, August, and November; for the counties of Saline, Clay, Ralls, Washington, New Madrid, Perry and Wayne, on the second Mondays of February, May, August and November; for the counties of Ray, Cooper, St. Charles, Callaway, Franklin, Madison and Scott, on the third Mondays of February, May, August and November; for the counties of Cole, Chariton, Montgomery, Lincoln, St. Louis, St. Francois and Cape Girardeau, on the fourth Mondays of February, May, August and November; *provided*, that the several county courts shall have power to hold special sessions, when necessary for the discharge of any of the duties enjoined on them by law.

7. All suits and process made, or to be made, returnable to the next terms of the several courts, as heretofore established by law, shall be returnable to the first terms of the respective courts to be holden by virtue of this act; and all sales of property which would have been made at the first terms as heretofore established, shall be made during the first terms to be holden by virtue of this act. This act shall take effect and be in force from and after the passage thereof; *provided*, that the first term of the superior court of chancery, to be holden in the first judicial district, shall be holden at the time and place now prescribed by law, and the second term of said court shall be holden on the second Monday of August next.

Approved, January 11, 1822.

CHAPTER 367.

DEBTORS AND CREDITORS.

CHAP. 325.

*AN ACT repealing an act entitled an act for the relief of debtors and creditors.**

1 Act repealed—proceedings under former act | previous to repeal, not invalid.

*Obsolete.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. An act entitled an act for the relief of debtors and creditors, be, and the same is hereby repealed; *provided*, nevertheless, that nothing herein contained shall be construed to render invalid any proceedings had under the authority of the said repealed act before the repealing thereof.

This act to be in force from and after the passage thereof.

Approved, January 11, 1822.

CHAPTER 368.

COURTS.

CHAP. 13, 30, 38, 48, 51, 52, 68, 93, 97, 106, 109, 119, 125, 138, 159, 165, 172, 190, 218, 242, 243, 245, 246, 262, 273, 277, 287, 301, 327, 366, 382, 431.

*AN ACT supplementary to an act establishing judicial districts and circuits, and prescribing the times and places of holding courts.**

1 Times of holding court under former acts re- | sent act.
pealed—times of holding court under pre-

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. As much of the act to which this act is a supplement, as directs the times of holding the circuit courts of the third district in the counties of St. Francois and Jefferson, commencing on the several days therein directed, be, and the same is hereby repealed, and hereafter the said circuit courts shall be held as follows, viz: for the county of St. Francois, on the first Mondays of April, August, and December; for the county of Jefferson, on the second Mondays of April, August, and December, in each and every year.

Approved, January 11, 1822.

CHAPTER 369.

LOAN OFFICES.

CHAP. 313, 358, 375, 386, 439.

AN ACT supplementary to an act entitled an act authorising an amount of loan office certificates to be placed in the state treasury, for the purpose of redeeming the certificates drawn by the Auditor of Public Accounts on the State Treasurer.

*Repealed, R. L. 1825, p. 500. sec. 13.

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| <p>1 Ten thousand dollars to be delivered to the clerk of the fourth loan office district—commissioners required to loan the same—to whom.</p> <p>2 Condition on which loan is to be made.</p> <p>3 Not more than one thousand dollars to be loaned at any one time—further sums to be withheld, and payment of sums loaned to be demanded, when.</p> | <p>4 Two year's interest released, if the loan be faithfully applied—loan to be repaid in four annual instalments.</p> <p>5 Auditor and treasurer to appropriate certificates in their offices.</p> <p>6 Forty thousand dollars to be reserved and loaned under direction of next general assembly.</p> <p>7 Treasurer authorised to pay out certificates.</p> |
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WHEREAS, George H. Kennerly, for himself, James Kennerly and Ruggles Whiting have represented to this general assembly that they have the necessary machinery, and wish to borrow ten thousand dollars of loan office certificates to enable them to erect and put into operation a steam grist mill, and inasmuch as it is the true policy of this state to promote industry and encourage valuable improvements: Therefore,

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The auditor and treasurer be empowered, and they are hereby required to deliver to the clerk of the fourth loan office district the sum of ten thousand dollars in loan office certificates, out of the sum of ~~ten thousand~~ ^{fifty thousand} dollars authorised to be issued by the act to which this act is a supplement; and the commissioners of the said loan office district are hereby empowered and required to loan the same in the same manner, and take the same security for the payment of all the loans and re-loans as provided by the act establishing loan offices, and the act supplementary thereto, to George H. Kennerly, James Kennerly, and Ruggles Whiting, upon the conditions herein after provided.

2. Before the commissioners of said office shall advance any part of the loan hereby authorised, the said George H. Kennerly, James Kennerly, and Ruggles Whiting shall produce satisfactory evidence that they have brought into the county of St. Louis the necessary machinery, and further, execute a mortgage on one half acre of land on which the mill shall be erected; which mortgage shall be, and the same is hereby declared to be a lien upon the land and all improvements made thereon, and also the machinery aforesaid, until the whole of the loan and interest thereon be paid; *provided*, that it shall be made appear to the satisfaction of the commissioners that the said machinery is the property of the said George H. Kennerly, James Kennerly, and Ruggles Whiting, and free from any kind of embarrassments whatever at the time the mortgage for the same shall be taken; *provided also*, that if the said George H. Kennerly, James Kennerly, and Ruggles Whiting shall neglect or refuse for six months to take proper steps to obtain the loan and carry the object of this act into effect, that the commissioners may loan the said ten thousand dollars of loan office certificates to any person or company who will give security for the same, and carry the objects of this act into operation, in the same manner the said George H. Kennerly, James Kennerly and Ruggles Whiting could or ought to have done, agreeably to the provisions of this act.

3. The commissioners aforesaid shall never at any one time advance more than

one thousand dollars of the loan hereby authorised, and if it shall at any time appear to them that the loan applied for is not intended to be applied as intended by this act, or that the sums theretofore advanced had not been applied as herein contemplated, it shall be their duty to withhold any further advance, and if the said George H. Kennerly, James Kennerly, and Ruggles Whiting, shall not within two years from this time have erected and put into operation on the land mortgaged, a steam grist mill, capable of manufacturing fifty barrels of good superfine flour per day, in such case it shall be the duty of the said commissioners to demand the payment of the sum loaned, with the interest thereon, at the rate of six per cent. per annum, and in default of payment, to proceed immediately to collect the same as by law provided.

4. If it shall appear that the loan hereby authorised is faithfully applied as herein intended, the commissioners of the said loan office shall release unto the said George H. Kennerly, James Kennerly, and Ruggles Whiting, all interest on the several proportions of the said loan for the term of five years from and after the first day of July next, and the said George H. Kennerly, James Kennerly and Ruggles Whiting shall be required to repay the certificates to them loaned in four annual instalments, with interest, at the rate of six per cent. per annum, to be calculated from the first day of July, which will be in the year one thousand eight hundred and twenty-seven, the first instalment to be paid on the first day of July, which will be in the year one thousand eight hundred twenty-eight; *provided*, nothing herein contained shall be construed to release the two per cent. per annum interest accruing on the certificates loaned, which in no case shall be estimated in the calculation of interest, but shall be refunded to the state on all certificates loaned.

5. The auditor and treasurer are hereby required to appropriate any loan office certificates which are now or may hereafter be in their offices, and which may be necessary to carry into effect this act, or the act to which this is a supplement.

6. The auditor and treasurer shall receive so much of the sum authorised to be issued by the act to which this act is a supplement, as may not be required to redeem the warrants drawn on the treasury and carry this act into effect, and so much of the instalments required to be paid by the several loan offices as will make the sum of forty thousand dollars, and the next general assembly shall provide by law that the same be loaned under proper regulations for the encouragement of such objects of internal improvement as they deem expedient.

7. The treasurer be and he is hereby authorised to pay out in discharge of auditor's warrants any loan office certificates which may be paid into the treasury as revenue.

Approved, January 11, 1822.

CHAPTER 375.

LOAN OFFICES.

CHAP. 313, 358, 386, 439.

AN ACT supplementary to an act entitled an act for the establishment of Loan Offices.*

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| 1 Clerks of circuit courts may take notes from applicants, and certify the same to the commissioners—application to be accompanied | by a certificate from valuers. 2 Commissioners may proceed to loan. |
|--|--|

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1 When any person shall wish to obtain a loan from any of the loan offices in this state on personal security, and the residence of such person and his security shall be so remote as to prevent the commissioners of the loan office to whom application may be made, from judging correctly of the propriety of making such loan, it shall and may be lawful for the several clerks of the circuit courts in this state, to take a note from said applicant, according with the provisions of the act to which this is a supplement, and certify and transmit the same to the commissioners of the loan office in the district in which said applicant may reside; *provided*, that in all cases where such application be made, the clerk shall not take such note, except such application be accompanied with a certificate from the valuers, or a majority of them, to be appointed by virtue of the first section of the act entitled "an act pointing out the manner that executions may be stayed, and regulating the sale of property under execution," in the township where such applicant may reside, showing the responsibility of said applicant and his security or securities, and until the county court shall appoint such valuers, the certificate may be granted by the justices of the county court, or a majority of them in the county where the applicant shall reside.

2. When said clerks shall certify the facts required by this act to the commissioners aforesaid, said commissioners shall, if they deem the security so taken by the said clerks, and the vouchers transmitted by them, sufficient, proceed to loan said applicant any amount of loan office certificates to which he may be entitled.

This act shall take effect and be in force from and after the passage thereof.

Approved, January 12, 1822.

*Repealed R. L. 1825, p. 500, sec. 13.

laws of this state for a like neglect or failure, in the case of a prisoner committed under the authority of the said laws; *provided always*, that the United States do pay or cause to be paid for the use and keeping such jails, at the rate of fifty cents per month for each person that shall, under their authority, be committed thereto, and also to the jailor such fees as he would be entitled to for like services rendered in virtue of the existing laws of this state, during the time such prisoners shall be therein confined; and moreover do support such of the said prisoners as shall be committed for offences.

Approved, November 27, 1822.

CHAPTER 385.

UNSEALED WRITINGS.

*AN ACT placing unsealed writings on the same footing with sealed writings.**

1 Unsealed writings, for the payment of money, | tings—consideration may be enquired into.
placed on the same footing as sealed writings.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. All writings executed after the passage of this act, without seal or seals, stipulating for the payment of money or property, or for the performance of any act or acts, duty or duties, shall be placed on the same footing with sealed writings, containing the like stipulations, receiving the same consideration in all courts of justice, or before justices of the peace; and to all intents and purposes having the same force and effect, and upon which the same species of action may be founded as if sealed; *provided*, that in all actions founded on such writings, the consideration may be enquired into, either in a court of law or equity, whether they be under seal or not.

This act shall commence and be in force from and after three months after the passage thereof.

Approved, November 27, 1822.

CHAPTER 386.

LOAN OFFICES.

CHAP. 313, 353, 358, 369, 386, 439.

AN ACT to suppress the further emission of Loan Office certificates.†

1 No further emission of certificates after notice | tice of this act, &c.
of the passage of this act—auditor's war- |
rants to be receivable—governor to give no- |
2 Former acts repealed.

*Repealed R. L. 1825, p. 500, sec. 13.

†Repealed, R. L. 1825, p. 500, sec. 13.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. After notice of the passage of this act, no more loan office certificate now remaining in the loan offices of this state, shall be loaned from the said offices; nor shall any more of said certificates be paid out of the treasury; *provided*, warrants drawn by the auditor of public accounts, on the state treasury, shall be receivable in payment of all debts due the state; and at the different loan offices an allowance of the two per cent. interest, due upon the certificates borrowed, shall in all cases be made on any sum paid in auditor's warrants as aforesaid. It shall be the duty of the governor, as soon as practicable, to give notice of this act to the clerks of the several loan offices and the treasurer of this state, and to employ expressers for that purpose.

2. An act entitled an act authorising a loan to Nezhiah Bliss, for the purpose of aiding him in establishing of iron works within this state, approved on the twenty-ninth day of December, in the year eighteen hundred and twenty-one, and an act supplementary to an act, entitled an act, authorising an amount of loan office certificates to be placed in the state treasury for the purpose of redeeming certificates drawn by the auditor of public accounts on the state treasurer, approved the eleventh day of January, eighteen hundred and twenty-two, be, and the same are hereby repealed.

Approved, November 27, 1822.

CHAPTER 387.

EXECUTIONS.

CHAP. 315, 324, 349, 361.

AN ACT to repeal an act, entitled, "an act pointing out the manner that executions may be stayed, and regulating the sale of property under execution."*

1 Act regulating stay on executions repealed.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The law passed at the last session of the General Assembly, pointing out the manner that executions may be stayed, and regulating the sale of property under execution, approved the twenty-eighth December, one thousand eight hundred and twenty-one, be and the same is hereby repealed.

This act to be in force from and after the passage thereof.

Approved, November 27, 1822.

*Repealed, R. L. 1825, p. 500, sec. 13.

first Monday of April, in each and every year, in the several wards of the said city, in such manner as the Mayor and Aldermen may by ordinance provide.

21. All free white male persons, of the age of twenty-one years, and who have paid a city tax, shall be entitled to vote at all elections for city officers, and at all such elections the vote shall be by ballot.

22. It shall be the duty of the Mayor to nominate and appoint, and by and with the advice and consent of the board of Aldermen, appoint a city constable, who shall, before entering upon the discharge of the duties of his office, take the oath of office by this act prescribed, and enter into bond to the said corporation, with sufficient security, to be approved of by the Mayor, conditioned, for the faithful discharge of the duties of his office, which bond shall be deposited and recorded in the register's office: and the said constable shall possess the same powers, and perform the same duties, within the said city, as the constables in the different townships possess in their respective townships, and shall, moreover, execute and return all process which may be issued by the Mayor, or any Alderman, and such other duties as shall be prescribed by ordinance, and shall be entitled to the same compensation as sheriffs and constables in like cases.

23. The first election for Mayor and Aldermen shall be held and conducted by the trustees of the town of St. Louis, or any two of them, at the office of the register of said town, which election shall be conducted according to the existing laws of the state regulating elections; and the said trustees, or any two of them, shall make out and deliver to each person elected, a certificate thereof, and the persons so elected, shall take and subscribe the oath of office before some judge or justice of the peace, which, being endorsed on such certificate, shall be certified by such judge or justice; and at such first election all persons, (otherwise qualified) who have paid a corporation tax in the town of St. Louis, shall be entitled to a vote.

24. The foregoing provisions of this act shall take effect as soon as they shall be accepted by the inhabitants of said town, and not before, in manner following, that is to say: an election shall be held on the first Monday of March next, by the trustees of said town, or a majority of them, at the office of the register of said town, at which all free white male persons, otherwise qualified, who have paid a corporation tax to the town of St. Louis, and who reside within the limits prescribed in the first section of this act, shall be entitled to vote; and at the said election the voters shall vote by ballot, "for or against the city charter," and if a majority of all the votes given shall be for the city charter, then the said board of trustees shall determine on what day the first election for city officers shall be held, which shall not be more than two months, nor less than three weeks after the acceptance of the charter, and shall cause a notice thereof to be published in some newspaper printed in said town, for at least two weeks before the day appointed for such election: but if the charter shall not be accepted as aforesaid, the said trustees may, from time to time, whenever they shall be petitioned to that effect by at least one hundred householders residing within the limits aforesaid, cause an election to be held as aforesaid, until the charter shall be accepted, giving at least two weeks pre-

vious notice of such election, by publication in some newspaper printed in said town; and when the charter shall be accepted as aforesaid, they shall proceed as hereinbefore provided, in case of the acceptance of the charter; and the city officers who shall be elected at the first election shall continue in office until the first Monday of April then next following, and until their successors are duly elected and qualified; *provided*, that the general assembly may, at any time, repeal, alter, amend, or modify this act at pleasure.

Approved, December 9, 1822.

CHAPTER 475

INTEREST ON WARRANTS.

*AN ACT more effectually to support the credit of the State by allowing an interest on Auditor's Warrants.**

- | | |
|---|---|
| 1 Interest of 6 per cent. allowed. | 4 Form of warrant. |
| 2 Warrants heretofore issued to be presented at the treasury—treasurer to endorse them—then to bear interest. | 5 In what amounts to be issued. |
| 3 When received by collectors to be endorsed "redeemed." | 6 When and how redeemable. |
| | 7 Specie revenue appropriated for their redemption. |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. From and after the passage of this act, that all auditor's warrants, hereafter drawn on the state treasury, shall bear an interest at the rate of six per centum per annum expressed on the face of such warrant, from the date until payment shall be made.

2. Every person owning or possessing any auditor's warrants bearing date previous to the passage of this act, on presenting the same at the state treasury for payment, it shall be the duty of the treasurer, if there are no funds in the treasury to redeem said warrants, to endorse on each warrant that there are no funds in the treasury; and each warrant from and after the date of such endorsement, shall bear an interest at the rate of six per cent. per annum from the date of such endorsement, until paid; and the treasurer shall enter in a book by him kept for that purpose, the amount of each warrant by him endorsed, and the date of such endorsement.

3. Whenever any collector, or other person, shall receive any audited warrants for taxes, or any other debt due the state, every such person shall endorse the word thereon, "redeemed," and the date of redemption over his name; from which all interest shall cease, and the said collector shall, in giving a receipt for taxes or other debt, state therein the amount of interest so allowed.

4. The auditor of public accounts shall be regulated by the following form,

*Obsolete.

whenever he shall draw an order or orders on the state treasury, to wit: No.—The treasurer of the state of Missouri will pay to or bearer, the sum of _____ dollars, with interest thereon at the rate of six per cent. per annum from the date thereof, until paid. \$—

5. When the auditor shall draw on the state treasury in favor of any person, he shall draw for the amount in orders of the following amounts, to wit: one fourth of the amount due in orders of one, three, five, and ten dollars, or as nearly in that proportion as the circumstances will admit.

6. It shall be the duty of the state treasurer, as soon as there shall be sufficient specie funds in the treasury, to redeem the auditor's warrants which bear an interest as aforesaid, to give public notice in all the newspapers printed in this state, to all persons holding auditor's warrants, that unless they present such warrants at the treasury for payment, within three months after the date of such notice, that interest from and after that time will cease; and it shall be the duty of the treasurer not to allow any person interest which shall have accrued on any warrant after the time has expired specified in such notice.

7. All the specie revenue of the state is hereby appropriated as a specific fund to redeem the said auditor's warrants, with the interest accruing thereon, according to the true intent and meaning of this act.

This act shall be in force from and after the passage thereof.

Approved, December 9, 1822.

CHAPTER 406.

JUSTICES COURTS.

CHAP. 2, 46, 77, 104, 139, 155, 212, 244, 289, 302, 417, 443.

*AN ACT to define the jurisdiction of justices of the peace in civil proceedings.**

1 In what cases co-extensive with the county— 2 Parts of former acts repealed.
in what cases confined to the township.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Justices of the peace for the respective counties of this state, shall hereafter have jurisdiction in civil cases, co-extensive with the counties in which such justices reside, in final process, subpoenas for witnesses, and also in trials for forcible entry and detainer only; but in mesne process, to wit: (summons, attachments, and warrants,) the jurisdiction of such justices shall be confined to the townships in which they reside; *provided nevertheless*, justices of the peace may join persons in matrimony, and receive and certify the acknowledgment of deeds and relin-

*Repealed, R. L. 1825, p. 500, sec. 13.

quishments of dower any where within their respective counties, any thing in this act to the contrary notwithstanding.

2. So much of the seventh section of an act entitled "An act prescribing the powers and duties of justices of the peace, and the manner of their appointment," approved the thirty-first day of October, eighteen hundred and twenty, as provides that justices of the peace shall hereafter have jurisdiction in civil cases co-extensive with the county for which they shall be commissioned: and so much of an act supplementary to an act supplementary to the several laws defining the powers and duties of justices of the peace in matters of a civil nature, as are contained in the second proviso of said act, approved the eighth day of December, eighteen hundred and twenty, and also an act entitled "An act explanatory of an act, supplementary to an act supplementary to the several laws defining the powers and duties of justices of the peace, in matters of a civil nature," approved the twelfth day of June, eighteen hundred and twenty-one, be and the same are hereby repealed.

This act shall take effect and be in force from and after the passage thereof.

Approved, December 9, 1822.

CHAPTER 407.

SALARIES

CHAP. 288.

*AN ACT fixing the salary of the Governor and Judges.**

| | |
|---|--|
| 1 Governor \$1500 annually—judges of supreme court, \$1100 each—circuit judges, \$1000 each—to be paid quarterly. | 2 Judges to file in office of secretary of state, a statement of their ages, verified by oath—part of former act repealed. |
|---|--|

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. There shall be paid to the governor, the judges of the supreme court and the judges of the circuit courts, for their services annually, the sums hereinafter mentioned, to wit: to the governor, the sum of fifteen hundred dollars; to the judges of the supreme court, the sum of eleven hundred dollars; to the judges of the circuit courts, the sum of ten hundred dollars; and the auditor of public accounts shall audit and settle accounts of the governor and judges respectively, at the end of each quarter of a year, and issue his warrant upon the treasury for the sums to which they may be respectively entitled; and it shall be the duty of the treasurer to pay the amount of such warrant out of any moneys in the treasury not otherwise appropriated; *provided*, nothing herein contained shall be construed to affect the salary of the present governor, or the judges of the supreme court or circuit

*Repealed, R. L. 1825, p. 500, sec. 13.

state of Missouri, on such demand or claim: a copy of the subpoena and bill shall be served on the circuit attorney of the district where the suit is instituted, whose duty it shall be to defend said suit, and the cause shall proceed and be determined as in other cases.

Approved, December 18, 1822.

CHAPTER. 438.

AUDITOR.

AN ACT to enable the auditor of public accounts to draw on the treasurer for certain moneys due the administrator of John W. Thompson.

Preamble.

1 Auditor to draw on state treasurer for amount

due on settlement.

WHEREAS, by an act passed at the last session of the general assembly, entitled, "An act for the relief of the securities of John W. Thompson deceased, late sheriff and collector of St. Louis county," it was provided, that the county court of St. Louis county in the first instance, and secondly, the auditor of public accounts should adjust and settle the accounts of the said Thompson upon principles of justice and equity; and whereas upon a settlement of said accounts with an allowance for delinquencies, as settled by the said county court and returned to the auditor's office, it is found that there is a balance due the said Thompson, or his representatives: Therefore,

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The auditor of public accounts is hereby authorised and required to issue his warrant on the treasurer in favor of the administrator of the said John W. Thompson, for any balance that may be found due to the said John W. Thompson upon the settlement of the aforesaid accounts, agreeably to the before in part recited act; and the treasurer is hereby authorised to pay the same out of any moneys appropriated as a general contingent fund.

Approved, December 18, 1822.

CHAPTER 439.

LOAN OFFICES.

CHAP. 313, 353, 358, 369, 375, 386.

*AN ACT to abolish the offices of commissioners and clerks of the Loan Offices, and for other purposes.**

- | | |
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| 1 Certain offices abolished. | 6 Clerks to take oath—give bond with security |
| 2 Clerk of L. O. to deliver books &c., to clerks of circuit courts. | —on refusal, governor to appoint others— |
| 3 Clerks to notify borrowers—what amount to pay—on refusal, how to proceed—persons paying 80 per cent. to be exonerated. | their powers and duties—on refusing to accept, to notify governor. |
| 4 Certificates, when received to be defaced—afterwards not receivable. | 7 Compensation—how paid. |
| 5 Duty of clerks—duty of auditor. | 8 Certificates not receivable for fees. |
| | 9 Auditor's warrants receivable for all fines and debts due the state. |
| | 10 Acts repealed. |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. So much of an act entitled, "An act for the establishment of loan offices," as provides for the appointment and continuance in office of commissioners and clerks of the loan offices in the several districts, be and the same is hereby repealed, and the offices of the said commissioners and clerks are hereby abolished.

2. Within sixty days after the passage of this act, all the office furniture, books, papers, bonds, mortgages, notes and all other evidences and securities appertaining to, and loan office certificates remaining in, the said offices, respectively, shall be delivered by the said commissioners and clerks of the loan office to the clerks of the circuit courts of the counties in which said loan offices are respectively located; and the said clerks of the circuit court shall receive the same into their custody and charge, and shall be vested with all the powers relative thereto, which are now vested in the said commissioners and clerks of the loan offices, and bound to perform all the duties now required of them, except as is hereinafter excepted and provided.

3. Within thirty days after the said clerks of the circuit courts shall have received the books, papers, &c., appertaining to the said loan offices, and as soon as may be, those who may be indebted to the state for certificates borrowed at the said loan offices, shall be notified by public advertisement in some newspaper, that they will be required to pay on or before the days on which their notes respectively become due, ten per cent. on the whole amount of certificates by them respectively borrowed, and the like sum at the end of every term of six months thereafter, until the whole shall be paid: and if any such debtors shall neglect or refuse to make payment, agreeably to such notice, such clerks, respectively, may cause suit to be instituted without delay, for the recovery of the full amount of the debts by them respectively due and owing to the state: and every debtor to the loan offices who shall within one year after the passage of this act, pay eighty per centum up-

*Repealed R. L. 1825, p. 500, sec. 13.

on the whole amount due, or to become due by him, shall be exonerated and discharged from the residue, and all interest which shall have accrued, or may accrue on such loan.

4. Whenever any of the said clerks of the said circuit courts shall receive any loan office certificates, under the provisions of this act, it shall be his duty immediately to deface the same, by a cross with pen and ink, to be made by drawing strong black lines from corner to corner on the face of every certificate so received; and no such certificate so defaced, shall thereafter be redeemable or receivable by this state, or any officer thereof.

5. The said clerks of the circuit courts shall keep a true and minute account of all their proceedings under this act; and at the end of every six months shall make an accurate and detailed report thereof to the auditor of public accounts, stating therein the names of the persons from whom certificates have been received, and the amount received from each person; and shall, at the same time, transmit to the auditor all the certificates by them received, defaced in manner aforesaid, and the auditor shall burn all such certificates, in presence of the governor and treasurer, and make due report thereof to the next general assembly.

6. The said clerks of the circuit courts, before they exercise any of the powers hereby vested in them, shall severally take an oath or affirmation, that they will faithfully perform all the duties by this act required of them; and shall moreover give bond with security to the state, in a sum not less than five thousand dollars, to be approved by the judge of the circuit courts, respectively, conditioned for their good behavior and faithful discharge of the duties hereby enjoined on them; *provided however*, that should any of the clerks of the circuit courts neglect or refuse to give bond as required by this act, the Governor may appoint a suitable person to do and perform all things by this act required of the clerks of the circuit courts, who shall be entitled to the same compensation as is hereinafter provided in case of the clerks of the circuit courts; and if any clerk of the circuit court shall refuse to accept the foregoing appointment he shall forthwith notify the governor thereof.

7. As a full compensation for their services, the said clerks of the circuit courts shall be allowed the yearly sum of two hundred dollars, to be paid quarterly, out of any money in the treasury not otherwise appropriated, in the same manner as the salaries of other officers of state.

8. Hereafter loan office certificates shall not be receivable by any officer of this state for fees.

9. Hereafter state's warrants shall be receivable for all fines and debts owing to the state.

10. "An act authorising an amount of loan office certificates to be placed in the state treasury for the purpose of redeeming certificates drawn by the auditor of public accounts on the state treasurer," approved the second day of January, eighteen hundred and twenty-two; and "An act supplementary to an act pointing out the manner that executions may be stayed, and regulating the sale of property under execution," approved the eleventh day of January, eighteen hundred and

twenty-two; and so much of the twenty-third section of "An act for the establishment of loan offices," approved the twenty-seventh day of June, eighteen hundred and twenty-one, as provides, that the general assembly shall cause the salt springs to be leased, and that it shall always be a fundamental condition in such leases that the lessee or lessees shall receive loan office certificates in payment for salt, at a price not exceeding that which may be prescribed by law, shall be and the same are hereby repealed.

Approved, December 18, 1822.

CHAPTER 440

REVENUE.

CHAP. 4. 20, 57, 71, 73, 79, 117, 118, 123, 137, 140, 141, 142, 173, 180, 181, 185, 195, 213, 299, 306, 376, 408

*AN ACT concerning the Revenue of the State, and for other purposes.**

- | | |
|---|---|
| 1 Certain acts revived—provisos. | lecting same. |
| 2 Tax on free white males. | 4 Allowance for delinquent list. |
| 3 Collectors paying the full amount of tax list, to have lien on property—remedy for col- | 5 County court failing to hold court, clerk and justice to hold same. |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. "An act to provide for levying, assessing, and collecting state and county taxes," approved the twelfth day of December, eighteen hundred and twenty, except so much as imposes a tax on free white male persons over the age of twenty-one, and an act to amend an act entitled "an act to provide for levying, assessing, and collecting state and county taxes," approved June twenty-second, eighteen hundred and twenty-one, be and the same are hereby revived, and shall be in force in as full and ample a manner as they could be were they severally recited in this act, and all other acts and parts of acts contrary to the provisions of the above recited acts, be, and the same are hereby repealed; *provided*, that nothing herein contained shall be so construed as to effect the collection of any tax, fine or forfeiture which has accrued, or ought to have accrued, to the state, or any county, by virtue of any of the territorial laws, or by virtue of any of the state laws heretofore passed, but all taxes, fines, and forfeitures shall be collected, and all sales of property for the payment of taxes, and all deeds and conveyances to the purchaser, and the time of redemption shall be the same, and the lien on all lands and other property for the payment of taxes, and the arrearages of taxes, shall be the same to all intents and purposes, and shall be carried into full force and effect, in the same manner they could or ought to have been done had this act not have been passed, any thing in this act to the contrary notwithstanding.

* Repealed. R. L. 1825, p. 500, sec. 13.

St. Louis, Mo., or on persons, society, or company of them, so often as they shall forfeit and pay for each and every offence, the sum of fifty dollars, to be recovered by action or suit, to be founded on this statute, with costs of suit, to the use and benefit of the person who shall sue for the same.

[Approved, December 10, 1924.]

In TESTIMONY WHEREOF, I _____, clerk of _____, have hereunto
affixed my seal of office, this _____ day of _____, 18____.

A. B., Clerk.
C. D., Collector.

Granted, this _____ day of _____, 18____.

and twenty-two in said county;
 in Prewitt are responsible to the

it be and they are hereby allowed
 d twenty five, to make settlement
 or to be due from said county of
 dred and twenty two, and for all
 may be liable to the state, as secu-
 less, that the warrant of dis-
 accounts, against the said Smith
 d or bonds heretofore given by
 them shall remain a perpetual
 e said Smith and Pruit, until the
 be charged by the state, as se-

after the passage thereof.

December 18, 1824.

Changes
 Act of
 12/9/24
 town of Bowling Green, Pike

court to allow the accounts of com-
 missioners.

State of Missouri, [as follows:]

jail, of the county of Pike, are
 rest bidder in the town of Bow-
 sinking, walling and finishing of
 of Bowling Green, and the com-
 well, out of any money in their
 y are required to cause more lots
 by law.

in said county of Pike, be au-
 settlement with them, a credit for
 about said well, as well as the
 e accounts they may present for

their services: *Provided*, That nothing herein contained shall authorise any payment
 for said well, to said commissioners for their services, out of money to be raised in
 any other way than from sale of lots in said town of Bowling Green.

This act to take effect and be in force from and after its passage.

December 23, 1824.

CHAPTER 7.

AUDITOR.

CHAP. 289, 292.

AN ACT to authorise the auditor of public accounts to issue warrants of different
 denominations.

1 To issue warrants of different denominations.

Be it enacted by the general assembly of the State of Missouri, [as follows:]

When the auditor shall draw on the state treasury in favor of any person, he
 shall draw for the amount in orders of the following amounts, to wit: one third of
 the amount in orders of three dollars, one third in orders of five dollars, and one
 third in orders of ten dollars, or as nearly in that proportion as the circumstance
 will admit if requested so to do, any law to the contrary notwithstanding.

This act to take effect and be in force from and after the passage thereof.

December 22, 1824.

CHAPTER 8.

SEATS OF JUSTICE.

CHAP. 11, 13, 110, 142, 186, 275, 276, 285, 314, 333, 339, 349, 353, 355, 366, 396, 397.

AN ACT to remove the seat of justice of the county of Callaway.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Commissioners of county seat—powers. 2. To take oath. 3. To report site to the commissioners of court house and jail. 4. Commissioners of court house and jail appointed—to purchase or receive as a donation the land selected—to take deeds—but not until payment of purchase money—proceeds how | <ol style="list-style-type: none"> applied—to let buildings to lowest bidder—commissioners not personally liable. 5. To take oath and give bond. 6. Vacancies how supplied—compensation. 7. When duties performed to render accounts to county court—proceedings. 8. If site selected be on public land, commis- sioners to borrow money and enter it—money to |
|--|--|

CHAPTER 13.

WARRANTS AND LOAN OFFICE CERTIFICATES. *

CHAP. 376.

1. Joint committee authorised to burn Warrants and Loan Office Certificates.

Resolved, by the Senate and House of Representatives, That the joint committee appointed by both houses of the General Assembly of the State of Missouri, to settle the accounts of the auditor and treasurer, be instructed to burn in the presence of the governor, auditor and treasurer, all the warrants and loan office certificates that have been redeemed previous to said settlement, and make report thereof.

[Jan'y. 19, 1825.]

CHAPTER 14.

SEATS OF JUSTICE.

CHAP. 8, 11, 110, 142, 186, 275, 276, 285, 314, 333, 339, 349, 353, 355, 366, 396, 397.

AN ACT to remove the seat of justice of Franklin county, and for other purposes.

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Commissioners appointed. 2. To take oath. 3. Commissioners of jail and court house appointed—their power and duties. 4. Commissioners to take oath and give bond. 5. Vacancies, how filled—compensation of commissioners. 6. When buildings are finished, commissioners to make final settlement of their accounts. 7. Court to continue at Newport until commissioners report that the court house is completed. 8. If site is on public land, commissioners to | <ol style="list-style-type: none"> 9. Southern boundary established. 10. One fourth part of lots in new county seat to be set apart for purchasers of lots in Newport—proceedings thereon—forefeiture by neglect. 11. Title to land at present seat of justice to revert. 12. Improvement on lots may be removed or disposed of. 12. Jail to be under control of sheriff. 13. Commissioners when to meet. |
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Whereas, a majority of the citizens of Franklin county, having petitioned for the removal of their seat of justice to the centre of the county, Therefore,

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. John Brown, of St. Louis county, Benjamin Horine of Washington county, and William T. Lammie of Montgomery county, be, and they are hereby appointed commissioners, with full power to point out and select, the most eligible situation which can be procured, at the centre of the said county of Franklin, or within three miles thereof, and the place where they or a majority of them shall agree on, shall be the permanent seat of justice for said county of Franklin.

*Obsolete.

2. The said committee by this act, shall in said county, that that partiality, and that they may deem best calculate of said county of

3. Barnabas Stickler them are hereby appointed it shall be to purchase by the first named corner of Franklin, the said land more than one hundred them and their successors from the person or persons of land, a good and sufficient or deeds shall be made land so purchased or them, or a majority of be necessary for public said commissioners or and eighteen months, execute to such purchase in the name of said county the person or persons that the said commissioners for any lots sold by the chase money, for said the purchase money of a court house and jail bunal transacting court of roads and highway are hereby authorised est bidder, first giving at three of the most persons on such plan, as they

4. The commissioners duties of their office, service of the peace of the signed them by their securities, to be approved that they will faithful their hands as commissioners for the purposes aforesaid.

C-v

LOAN OFFICES.

18 Feb. 1826. AN ACT to provide for the final settlement of the business of the several Loan Offices.

Be it enacted by the General Assembly of the state of Missouri, That hereafter the business of the several loan offices shall be transacted by the clerks of the several circuit courts of the counties, respectively, in which the said offices are located, that is to say: for the first loan office district, by the clerk of the circuit court of the county of Chariton; for the second district, by the clerk of the circuit court of the county of Cooper; for the third district, by the clerk of the circuit court of the county of St. Charles; for the fourth district, by the clerk of the circuit court of the county of St. Louis; and for the fifth district, by the clerk of the circuit court of the county of Cape Girardeau; and the said clerks shall transact the business of the loan offices, for their respective districts, at their several offices as clerks.

Clerks here-
after appoint-
ed to take
oath & give
bond.

SEC. 2. *Be it further enacted,* That if any of the clerks now transacting the business of any of the loan offices, shall die, resign, or be removed from office; his successor, before he enters upon the discharge of any of the powers vested in him by this act, shall take an oath or affirmation, that he will faithfully and impartially perform the duties required of him by this act; and shall, moreover, give bond to the state, with good security, in a sum not less than five thousand dollars, to be approved of by the judge of the court of which he is clerk, conditioned, that he will faithfully perform all the duties enjoined on him by this act, in relation to the business of the loan office for his district; that he will well and truly account for, and pay over according to law, all moneys, loan office certificates, auditor's warrants or other public security, which may come to his hands, in virtue of his office as clerk of the loan office; that he will safely and securely keep and preserve all papers, records, and documents appertaining to the loan office of his district; and that he, his executors or administrators, will deliver to his successor, as soon as he shall be appointed and qualified, according to the provisions of this act, all books, records, papers, bonds, notes, mortgages, documents and evidences of debt, all moneys, certificates, and furniture appertaining to his said office: which bond, with the oath aforesaid, and the certificate of the judge approving the said bond thereon endorsed, shall be deposited in the office of the secretary of state, before or at the time of issuing his commission as clerk; and if such bond, with the endorsements aforesaid, be not

Bond to be
deposited in
office of
sec of state.

If not filed,

filed as aforesaid, the governor may appoint a suitable person to do and perform all things by this act required by the clerks of the circuit courts, who, upon filing in the office of the secretary of state a bond with the oath and certificate thereon endorsed as aforesaid, shall be commissioned as clerk of the loan office for the district in which such vacancy shall happen; and the person so appointed shall keep his office, and transact the business thereof, within half a mile of the seat of justice of the county in which the office is located.

Proceedings
against clerk
for misde-
meanor.

SEC. 3. *Be it further enacted,* That the several clerks of the loan offices, as well such as are clerks of the circuit courts as others aforesaid, for any misdemeanor in office as such, may be proceeded against and removed from said office, in the same manner as clerks of courts of record; and in case any clerk of any of the circuit courts, as aforesaid, shall be impeached, or proceeded against for any misdemeanor in office, either as clerk of the court or clerk of the loan office, or in case of the impeachment of any clerk of any loan office, specially appointed, the circuit court of the county in which the loan office is located, or the judge thereof in vacation, shall appoint some suitable person to discharge the duties required by this act to be performed, during the pendency of such impeachment or prosecution; who shall take the same oath, and give the same security, as in case of the clerk.

SEC. 4. *Be it further enacted,* That if, at any time, the circuit court of the county in which any loan office is located, shall be satisfied that the securities in any bond now given, or hereafter to be given, by such clerk, or any person appointed in his stead, as aforesaid, have become, or are in danger of becoming insolvent or insufficient, or that the penalty of such bond is not large enough, they shall require a new bond to be given with sufficient securities; and if such bond be given, it shall be transmitted to the secretary of state, and filed in his office, and if not given within thirty days, the appointment of such clerk or other person, under this act, shall be vacated; and the court or judge in vacation, shall immediately appoint some other person in his stead, who shall give the same bond, and take the like oath, and be commissioned by the governor as in other like cases, the bond, with the oath and certificate of the approval of the judge thereon endorsed, being previously filed in the office of the secretary of state.

If he fail so
to do, his of-
fice vacated.

SEC. 5. *Be it further enacted,* That every clerk, or other person appointed in his stead, who shall resign, or be removed from office, or his appointment vacated, (or in case of his death, his executors or administrators) shall deliver clerk, books,

papers, &c. to be delivered to successor.

Proceedings in case of default.

Proviso.

No new loans to be made, but new notes may be taken.

Debtors to pay 10 p. ct. every six months.

Debtors in default to pay the whole.

New security may be required.

If given, form of note.

When to bear date.

to his successor, as soon as he shall be appointed and qualified, all records, books, papers, bonds, notes, mortgages, moneys, certificates, warrants or other evidences of debt, and furniture appertaining to the loan office of which he was clerk; and upon default thereof, the circuit court of any county in which the person so in default may be found, may proceed and compel him to do so, by attachment, or other proper process: *Provided*, That no proceeding under this section shall bar any right to proceed against him and his securities, or either of them, his or their executors or administrators, upon his official bond.

SEC. 6. *Be it further enacted*, That the clerks or other persons appointed as aforesaid, shall make no new loans; but may take new notes with other securities, to secure loans already made, whenever in his opinion the security already given is insufficient, or any personal security shall die or remove out of the state.

SEC. 7. *Be it further enacted*, That the debtors to the several loan offices, shall, on the day when their notes or any instalments thereon, respectively, become due, and at the end of every six months thereafter, until the whole is paid, pay to the clerk for the proper district, one tenth of the amount of the original loan, with all interest then due, together with the interest on the balance for the next six months, which payment, when made, shall be credited in the books of the office; and when the whole is paid, the note or other security taken, shall be delivered up: *Provided*, That nothing herein contained, shall be construed to allow any person who has heretofore failed to make payments as required by law, to pay by instalments, as aforesaid; but such persons shall be bound to pay the whole amount of their debts, with interest, without any delay.

SEC. 8. *Be it further enacted*, That in all cases of loans heretofore made on personal security, if the security shall die, or remove from the state, or the clerk shall deem the security otherwise insufficient, he shall require the debtor to give new security, by notice in writing to that effect; and if such security be given, he shall take a new note, in the following form, to wit:

"Six months after date, we, or either of us, promise to pay to the state of Missouri, the sum of ——— dollars, it being the balance remaining due to the said state on a loan of ——— dollars, for value received. At ——— this ——— day of ——— 18 ———."

Which note shall be signed by the principal and his security, and bear date on the day when the last preceding instalment become due; and no person shall be accepted

as security on any note as aforesaid, who shall be bound as principal or security, or both, in the same office, in the sum of five hundred dollars.

SEC. 9. *Be it further enacted*, That in all cases of loans on personal security, if any person shall make default in paying any instalment, or the interest, or any part thereof, as required by this act, or shall not give a new note, with security to be approved of by the clerk, within thirty days after he shall be thereto required, or shall have failed to make any payments as heretofore required by law, the clerks, respectively, shall cause suits to be instituted, without delay, for the recovery of the whole amount remaining unpaid, with interest, and all suits heretofore commenced for the recovery of any such debts shall be prosecuted to final judgment and execution.

SEC. 10. *Be it further enacted*, That in all cases where default shall heretofore been made in the payment of any instalment, according to the laws then in force, or shall hereafter be made, in any payment required by this act, and the payment shall be secured by mortgage, the clerk of the office in which such default shall happen shall cause the mortgaged property to be advertised for sale, for at least sixty days, in some newspaper or in nearest to the county, in which his office is located, and shall make sale of all, or so much of the mortgaged premises, at public auction, to the highest bidder, for ready money, loan office certificates, or auditor's warrants, as will pay the whole amount remaining unpaid, with interest, and costs of sale, and execute, acknowledge, and deliver a conveyance thereof to the purchaser or purchasers; which shall vest in such purchaser, in fee simple, all the right, title or interest which the mortgagor had in the premises, at the time of the executing the mortgage, or at any time after, or such clerk may purchase the premises for the use of the state, if he shall deem it most beneficial: *Provided*, That nothing herein contained, shall prevent suit being brought, and judgment recovered, on the note executed by such mortgagor for the same loan; or to prevent proceeding on said mortgage, as in cases of individuals, or to prevent both remedies being pursued at the same time, so that the state have but one satisfaction.

SEC. 11. *Be it further enacted*, That if any land or other real estate, mortgaged to the state, to secure the payment of any debt due to this state, or any of the loan offices, shall be sold to satisfy any state or county taxes, such mortgage shall not be construed to pass the estate therein, discharged of the mortgage, but the said mortgage shall continue to bind the lands and other estate, as fully and

Who shall not be security.

Debtors for loans on personal security, making default, suit to be brought.

Default, where security is a mortgage.

Mortgaged property may be sold.

Conveyance.

Clerk may purchase to the use of the state.

Action may be brought on note and mortgage foreclosed as in other cases.

Sale of land, real estate mortgaged, for taxes, subject to the mortgage.

effectually, as if no such sale had been made, nor shall the right of the state as mortgagee be in any manner impaired or affected by such sale, any law to the contrary notwithstanding.

Clerks may
redeem
mortgaged
lands hereto-
fore sold for
taxes.

SEC. 12. *Be it further enacted*, That in all cases where lands, which have been mortgaged to the state for debts due at any of the loan offices, and unredeemed, shall have been sold for the payment of state or county taxes before the taking effect of this act, it shall be lawful for the clerk of the loan office of the district in which such lands were mortgaged as aforesaid, to redeem the same from the purchaser; and for that purpose may apply any money which may be in, or which shall come to his hands, belonging to the state: and the amount so paid, with interest at the rate of ten per centum per annum, shall be charged to the mortgagor, and shall be a lien on the mortgaged premises, and shall be considered to all intents and purposes as if the same had originally been included in the mortgage, and note of the mortgagor. And if any mortgagor shall not pay into the proper office the amount so paid in the redemption of said land, with interest, within three months after the same shall be so redeemed, the clerk shall proceed on the mortgage as in other cases of default.

Amount paid
to be a lien
on the pro-
perty.

Certificates
and warrants
receivable in
payment of
debts, taxes,
fines, &c.

SEC. 13. *Be it further enacted*, That the loan office certificates, issued in pursuance of an act entitled "an act for the establishment of loan offices," approved the twenty-seventh day of June, in the year of our Lord eighteen hundred and twenty-one, and warrants drawn by the auditor of public accounts on the state treasury, shall be received in payment of debts due any of the loan offices; and the said loan office certificates shall be received in payment of any taxes, fines, penalties and forfeitures accruing to the state: and in all such payments, the interest which shall have accrued on any certificate at the time of payment shall be allowed to the person paying the same.

Interest to
be allowed.

Certificates
redeemed, to
be defaced.

SEC. 14. *Be it further enacted*, That whenever any of the said clerks shall receive any loan office certificates under the provisions of this act, it shall be his duty immediately to deface the same, by drawing strong black lines diagonally from corner to corner, on the face thereof; and no certificate so defaced shall be redeemable or receivable at the treasury of the state, or by any officer thereof.

Clerks to
make a de-
tailed report
of the state
of their offi-
ces to the
auditor.

SEC. 15. *Be it further enacted*, That it shall be the duty of the said clerks, respectively, to keep a full, true, complete and minute account of all their proceedings under this act; and, on the first day of April next, make out, and immediately transmit to the auditor of public accounts, an

accurate report of all their proceedings concerning the loan office since the papers were transferred to them, stating therein the names of debtors, the amount of each note, when the same became due, how secured, when the respective instalments became due, the amount paid on each instalment, the whole amount paid by each debtor, the description of the money paid, the amount still due by each debtor, what steps (if any) have been taken to enforce payment; and the said report shall exhibit the aggregate amount under each of the heads aforesaid. And the respective clerks shall, on the first day of October next, and on the first day of April and October in each year thereafter, make out and transmit to the said auditor an additional report, setting forth the aggregate amount named in the former report, under each head, and a minute and accurate account of all their proceedings since the last report, conforming, as nearly as may be, to the former report. And the said clerks, when they make their reports as aforesaid, shall transmit to the auditor of public accounts all certificates by them received, defaced as aforesaid; and the auditor and treasurer, in the presence of each other, and of the governor or secretary of state, shall count the certificates so returned, and having ascertained the amount, shall take an account thereof, and shall thereupon burn all such certificates, in the presence of the governor or secretary of state.

And like re-
ports on the
1st of April
and October,
every year.

Certificates
redeemed to
be transmit-
ted to audi-
tor and by
him burned,
in presence
of treasurer,
&c.

SEC. 16. *Be it further enacted*, That the state treasurer shall, on the first day of June and December in every year, make out and deliver to the auditor of public accounts a report of all loan office certificates redeemed at the state treasury, and then remaining therein; and the auditor and treasurer, in the presence of each other, and of the governor or secretary of state, shall count such certificates and ascertain the amount, and take an account thereof; and shall immediately, in the presence of the governor or secretary of state, burn all such certificates; and the auditor shall credit the amount so burned to the state treasurer.

Treasurer to
make report
semi-annual-
ly of certifi-
cates re-
deemed at
the treasury

Certificates
to be burned

SEC. 17. *Be it further enacted*, That it shall be the duty of the clerks of the several loan offices, to keep a regular account or abstract of their receipts; which shall be, as receipts near as circumstances will admit, in the following form, set.

Clerks to keep
account of
abstract of
receipts

"An account of the public securities and money received Forth-
by A. B., clerk of the loan office for the ——— loan
office district, for six months, ending the ——— day of

| When rec'd. | Of whom received. | L.O. Certificates. | | Auditor's Warrants. | | Am't of current Money | Total rec'd. |
|-------------|-------------------|--------------------|------------------|---------------------|------------------|-----------------------|--------------|
| | | Nom. Am't. | Int'rest allow'd | Nom. Am't. | Int'rest allow'd | | |
| | | D. E. D. C. | D. C. | D. C. | D. C. | | |
| | | D. E. D. C. | D. C. | D. C. | D. C. | D. C. | D. C. |

Copies to be semi-annually rendered to auditor & treasurer on oath.

Auditor and treasurer to keep accts. of certificates emitted and redeemed, & make report.

Auditor to keep accts. & settle with the several clerks.

Clerks to pay balances: penalty on failure.

Receipts to be given on payment.

And it shall be the duty of every clerk as aforesaid, to enter in said account or abstract all receipts truly by the names of the person of whom received, the date, the amount of each kind of public securities, and the interest allowed thereon: and at the time of making his semi-annual report, he shall make two full, true and perfect copies of said account, to each of which he shall annex an affidavit, stating that the same is a full, true and perfect account of all money and public securities by him received, and the interest allowed thereon; one of which copies, so sworn to, shall be transmitted to the state treasurer, and the other to the auditor of public accounts, at the time of making the semi-annual report as aforesaid; and the said clerks shall settle and make payment, according to the account, in the kind of securities or money by them received.

SEC. 18. *Be it further enacted*, That the auditor of public accounts and state treasurer, shall each keep just and true accounts of all loan office certificates, which have been issued, and the amount which shall be redeemed and destroyed from time to time, and distinguishing the amount redeemed at the treasury, from that redeemed and returned through the loan offices; and shall each, within ten days after the commencement of each session, of the general assembly, make report thereof to each house exhibiting the particulars aforesaid, and showing moreover the amount of loan office certificates remaining unredeemed.

SEC. 19. *Be it further enacted*, That the auditor of public accounts shall charge the clerks of the several loan offices with the whole amount by them, respectively, received, on account of debts due their said offices, and shall credit them with the amount of certificates returned and destroyed as aforesaid; and it shall be the duty of the said clerks, to pay the balance, (if any) into the state treasury, within sixty days after their report is made as aforesaid, and if he shall fail therein the auditor shall charge him ten per centum on the balance, and interest thereon at the rate of sixty per centum per annum until paid; and when any clerk aforesaid shall pay over any money into the treasury as aforesaid, the treasurer shall

grant him a duplicate receipt therefor as in other cases, one of which being filed in the auditor's office, he shall credit such clerk with the amount, and grant him an acquittance therefor, and the auditor shall charge the treasurer with the amount so paid into the treasury.

SEC. 20. *Be it further enacted*, That the auditor of public accounts shall keep a just and true account with the loan offices, and therein charge them with the amount of certificates issued; the expenses attending the issuing the same, and establishing the several offices for making loans, and of continuing the same, including the salaries of clerks, and credit them with all sums which may have been paid into the treasury, or otherwise received on account of debts due the said offices before the passage of this act, and with all sums which shall hereafter be received by the clerks of the several loan offices, and charged to said clerks on account of debts due the same; and shall make report of the state of the loan offices, within ten days after the commencement of each session of the general assembly, showing the aggregate amount of charges and credits, and the amount of debts due, or becoming due, the several loan offices, and then unpaid.

SEC. 21. *Be it further enacted*, That, as a full compensation for their services, the said clerks, or other persons transacting the business of the several loan offices, shall each receive the sum of one hundred and fifty dollars, annually, to be paid quarter-yearly, in the same manner as the salaries of other officers.

SEC. 22. *Be it further enacted*, That it shall be the duty of the auditor of public accounts, immediately to make, or cause to be made, a final settlement with the former clerks of the several loan offices, requiring them, respectively, to make out and deliver to him a true and complete report of all their proceedings, during their continuance in office; which report shall be made out according to such form as shall be prescribed by the said auditor; and if the auditor shall find that the several clerks have not accounted for, and paid over all moneys which may have come into their hands, while transacting the business of the loan offices, it shall be his duty immediately to cause suit to be instituted against such clerk, or clerks, either on their bonds, or otherwise, to recover the amount remaining due by such clerk or clerks; and it shall be the duty of the attorney general, or circuit attorney prosecuting for the district in which the loan office was located, to which the said clerk belonged, to institute and prosecute, from time to time, such suit or suits as he may be

Auditor to keep accts. and make report of the state of the loan offices.

Compensation of clerks

Settlements to be made with former clerks.

Proceedings against delinquents.

directed to do by the auditor of public accounts, agreeably to the provisions aforesaid.

[Approved, February 8th, 1825.]

LOST MONEY, GOODS, &c.

4 July, 1825.

AN ACT concerning lost Money and Goods.

Be it enacted by the General Assembly of the state of Missouri, That any person finding any money, goods, bank notes, bills of exchange, auditor's warrants, loan office certificates, or other valuable thing, of the value of five dollars, whereof the owner is not known, shall, within ten days after finding the same, give notice thereof to some justice of the peace of the township where the same was found. And it shall be the duty of the justice to issue his order, in writing, to three disinterested householders, if they cannot be had otherwise, commanding them to appraise, and particularly describe, in writing, the value of such goods, bank notes, bills of exchange, auditor's warrants, loan office certificates, or other valuable thing, or the amount of the money so found; and it shall be the duty of the appraisers, or any two of them, to make out, under their hands, two lists of the valuation and description so made,—one of which they shall deliver to the justice, who shall file the same in his office; and it shall be the duty of the justice of the peace to deliver a copy of said valuation and description to the person finding as aforesaid, which shall be by him transmitted to the clerk of the county, within fifteen days after the said valuation and appraisement is made; and it shall be the duty of the clerk to record the same, in a book to be by him kept for that purpose; and the other list the appraisers shall deliver to the person finding the same. And it shall be the duty of the person finding as aforesaid, to set up, at three of the most public places in the township where the goods, money or other valuable thing were found, a copy of the valuation or description made out by the appraisers as aforesaid, within five days after the date of such valuation and description,—which said valuation and description, so made as aforesaid, shall be sworn to by the said appraisers.

Sec. 2. Be it further enacted, That if no owner appear and prove his property or money, within forty days after setting up the copies of the valuation and description as aforesaid, and the value of the property or money so found shall exceed the sum of twenty dollars, it shall be the duty of the person finding, within thirty days thereafter, to transmit to the printer of some newspaper within this state,

Persons finding money goods, &c. to give notice to J. P.

Appraisers to be appointed

Two lists of appraisement, &c. to be returned.

One list to be recorded.

Advertisements to be put up.

If no owner appear in 40 days, and property exceed \$20, to be advertised in newspaper

a copy of the valuation and description filed with the clerk as aforesaid, certified by the said clerk,—which shall be inserted in such paper three weeks successively, for advertising which the printer shall receive his usual stated price; and if no owner shall appear and prove his property, within one year after such publication, the same shall be vested in the finder.

Sec. 3. Be it further enacted, That when any owner shall appear within the time limited as aforesaid, and claim his property or money, and the person finding the same shall neglect or refuse to restore to the person claiming the same goods, money or other valuable thing found, the said property, or the appraised value thereof, then and in that case the owner or person claiming the same may apply to a justice of the peace, when the valuation and appraisement shall not exceed ninety dollars; which said justice is hereby empowered to issue process, hear, try and determine the same, in the same manner as other civil actions are, which are cognizable before a justice of the peace, saving to either party the right of appeal, in the same manner as provided by law in other cases: *Provided,* That the defendant shall not be entitled to a stay of execution.

Sec. 4. Be it further enacted, That when any person shall notify a justice of the peace that he has found any goods, money or other valuable thing, as pointed out by this act, it shall be the duty of the justice, before he appoints the appraisers, to administer to the person finding the same, an oath or affirmation that the owner to him is unknown, and that he has not, directly or indirectly, secreted or disposed of any part of the same, but that the said goods, money, or other valuable thing, are in the same situation he found them.

Sec. 5. Be it further enacted, That if any person, finding any money, goods, bank notes, bills of exchange, auditor's warrants, loan office certificates, or other valuable thing as aforesaid, and shall not make discovery thereof as required by the first section of this act, such person shall forfeit and pay to the owner double the value of the money or valuable thing by him found as aforesaid, to be recovered, with costs, by action on the case, in any court of competent jurisdiction.

This act shall take effect and be in force from and after the fourth day of July next.

[Approved, February 19, 1825.]

Owner to appear with in a year.

Finder refusing to deliver property, &c. to owner, when duly claimed.

Proceedings.

Appeal.

Finder to take oath.

Finder failing to make discovery, penalty.

DD GUIDES FOR LEVYING, ASSESSING

826—[H. 70-1]

STATE OF MISSOURI.

115

CHAPTER 70

CHAP. 13.

SETTLEMENT WITH THE AUDITOR AND TREASURER.

... shall enter's tithings

The said committee appointed to settle the accounts of the Auditor and Treasurer, and they are hereby authorized and directed to enter on the books of the Auditor and Treasurer, the statement made by them, and what they learn, as to the debts, the Auditor's Warrants, and Loan Office Certificate, in the hands of the Auditor and Treasurer, up to such settlement.

December 30, 1826.

CHAPTER 71

COURTS.

(A) ACT OF CONGRESS ENTITLED "AN ACT TO ESTABLISH JUDICIAL DISTRICTS AND CIRCUITS," APPROVED FEBRUARY TWENTY-NINTH, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

⁴Repealed, R. L. 1835, page 384, sec. 33.

referred to, and to locate such selections with the register of the land office in the district wherein such lands may lie; and it shall moreover be the duty of said commissioner to make report of his proceedings herein to the county court from which he received his appointment, within twelve months after the time of his appointment, which report, the county court shall cause to be entered on record.

3. When it shall happen that a township or fractional township, entitled to school lands under the act of congress aforesaid, shall happen to be in two different counties, the commissioner of the county in which the greater portion of the township so entitled may lie, shall make the location, but not to the detriment of those citizens of said township who may live in the other county.

This act shall be in force from and after the passage thereof.

January 1, 1827.

CHAPTER 74.

LOAN OFFICES.

CHAP. 131, 171, 172, 217, 240, 376, 409.

AN ACT supplementary to an act to provide for the final settlement of the business of the several Loan Offices, approved, February eighth, eighteen hundred and twenty-five.

- | | |
|--|--|
| 1 Money payable to A. P. A., shall be paid to treasurer. | 3 If interest of State requires it, sheriff purchase land for state. |
| 2 Auditor to pay over to treasurer. | |

Be it enacted by the General Assembly of the State of Missouri, [as follows

1. In all cases where, by the existing laws, any moneys, auditor's warrants, loan office certificates, are payable to the auditor of public accounts, the same shall hereafter be paid to the treasurer, who shall receipt and account therefor, as in other cases.

2. On the passage of this act, it shall be the duty of the auditor to pay over the treasurer, all moneys, auditor's warrants, and loan office certificates, which may be in his hands by virtue of the existing laws, and take his receipt therefor, and charge him with the amount to be by him accounted for as in other cases.

3. The sheriffs of the respective counties in which there is no loan office shall, if in their opinion the interest of the State requires it, purchase in the market for the benefit of the State, where the same is sold for loan office debts.

This act shall take effect and be in force from and after the passage thereof.

January 1, 1827.

AN ACT supplementing the military law of the Lord one thousand

- 1 Foreigners exempt from
- 2 Power of artillery.
- 3 Non-commissioned officers
- 4 Vacancies, how filled
- 5 Field officers not required to
- 6 Musical instruments
- 7 Firearms, how distributed
- 8 Transport, what officers
- 9 When company shall
- 10 Judge advocates, qualifications

Be it enacted by the

1. All ferry-men are hereby exempted, by the act to w
2. No driver of a vehicle actually employed as
3. Non-commiss
4. All officers, ac- ceiving any resign no officer shall be r
5. No field officer or other officer wh the duties heretof
6. The comman- musical instrument mental fund; and a
7. No public are in cases of threate of the State into e
8. No chaplain, vocate, nor provost
9. The comman inspection on any so much of the thi

*Repealed R. L. 18

COURTS.

Be it enacted by the general assembly of the State of Missouri, [as follows:]

January 2, 1827.

REVENUE.

county to the assessor of another county, as required by the fifth section of the act to which this is an amendment, are not received before the assessment lists are laid to be returned to the county court the same shall be considered a supplementary assessment list, and shall, in all things, be preceded on as near as may be as the original assessment list.

5. The copies of lists required by the seventeenth section of the act to be deposited in the office of the clerk of the county court shall be deposited on or before the first day of June in every year, and as much, some section as is repugnant to this shall be and the same is hereby repealed.

6. The courts of appeals established by the eighteenth section of the act to which this is an amendment, shall have power, when any such appeal is made, to receive, hear and determine the same in a summary way, according to law, and may adjust and correct the said lists according to the determination which shall be made by them; and as soon as they may have heard and determined all appeals, and corrected the list of assessors, the county court in the respective counties shall ascertain as near as may be, the amount which may be due to defray the county expenses for the year in question, and fix the rates of tax to be imposed on the objects made taxable for state purposes, and also as near as may be, the sum required for county purposes; and if any county is now indebted, it may be lawful for such county court to levy and make to be collected an amount exceeding in amount, the tax imposed by law on the same objects for state purposes in any one year, until the debt now existing shall be paid; and when provided, the county court be first authorized by a majority of all its members to pay taxes in their respective counties, when rate-making is then, they shall cause their clerks to make out, from the corrected assessment list, two lists, one containing, in alphabetical order, the names of all persons resident in the county to pay taxes, therein; also, in an alphabetical order, the names of all persons resident in the county and liable to pay taxes on property therein, with the number, description and valuation of the property therein contained, and also an account for state and county purposes—the former shall be delivered to the assessor of the county and the later the non-resident tax list—which lists shall be provided by the clerk of the real of his office, one of which lists shall be delivered to the clerk of the county within fifteen days after the court then opens the same to be true and the other shall remain in the office of such clerk; and at the same time the clerk shall certify to the Auditor of public accounts the amount of the property which the county court has ordered to be assessed on the amount of the same for the use of the county, together with a list of all the real property subject to taxation, and a complete and accurate statement of the whole tax list, with the collector's receipt therefor, as now required by law, on or before the first day of September in each and every year.

7. Appeals may be taken from the assessment under the same time as provided in the eighteenth section of the act to which this is an amendment, as well as like time in the subsequent years; and when appeals shall be taken, the same shall

be taken on or before the first day of September in the year in which the assessment is made, and the same shall be heard and determined in the county court, according to the provisions of the act to which this is an amendment, and the same shall be considered a supplementary assessment list, and shall, in all things, be preceded on as near as may be as the original assessment list, and allowed to the assessor of the county from which the appeal was taken, towards the payment of the same for the current year.

8. The copies of lists required by the seventeenth section of the act to which this is an amendment, shall be deposited in the office of the clerk of the county court on or before the first day of June in every year, and as much, some section as is repugnant to this shall be and the same is hereby repealed.

9. The courts of appeals established by the eighteenth section of the act to which this is an amendment, shall have power, when any such appeal is made, to receive, hear and determine the same in a summary way, according to law, and may adjust and correct the said lists according to the determination which shall be made by them; and as soon as they may have heard and determined all appeals, and corrected the list of assessors, the county court in the respective counties shall ascertain as near as may be, the amount which may be due to defray the county expenses for the year in question, and fix the rates of tax to be imposed on the objects made taxable for state purposes, and also as near as may be, the sum required for county purposes; and if any county is now indebted, it may be lawful for such county court to levy and make to be collected an amount exceeding in amount, the tax imposed by law on the same objects for state purposes in any one year, until the debt now existing shall be paid; and when provided, the county court be first authorized by a majority of all its members to pay taxes in their respective counties, when rate-making is then, they shall cause their clerks to make out, from the corrected assessment list, two lists, one containing, in alphabetical order, the names of all persons resident in the county to pay taxes, therein; also, in an alphabetical order, the names of all persons resident in the county and liable to pay taxes on property therein, with the number, description and valuation of the property therein contained, and also an account for state and county purposes—the former shall be delivered to the assessor of the county and the later the non-resident tax list—which lists shall be provided by the clerk of the real of his office, one of which lists shall be delivered to the clerk of the county within fifteen days after the court then opens the same to be true and the other shall remain in the office of such clerk; and at the same time the clerk shall certify to the Auditor of public accounts the amount of the property which the county court has ordered to be assessed on the amount of the same for the use of the county, together with a list of all the real property subject to taxation, and a complete and accurate statement of the whole tax list, with the collector's receipt therefor, as now required by law, on or before the first day of September in each and every year.

10. Appeals may be taken from the assessment under the same time as provided in the eighteenth section of the act to which this is an amendment, as well as like time in the subsequent years; and when appeals shall be taken, the same shall be taken on or before the first day of September in the year in which the assessment is made, and the same shall be heard and determined in the county court, according to the provisions of the act to which this is an amendment, and the same shall be considered a supplementary assessment list, and shall, in all things, be preceded on as near as may be as the original assessment list, and allowed to the assessor of the county from which the appeal was taken, towards the payment of the same for the current year.

11. The courts of appeals established by the eighteenth section of the act to which this is an amendment, shall have power, when any such appeal is made, to receive, hear and determine the same in a summary way, according to law, and may adjust and correct the said lists according to the determination which shall be made by them; and as soon as they may have heard and determined all appeals, and corrected the list of assessors, the county court in the respective counties shall ascertain as near as may be, the amount which may be due to defray the county expenses for the year in question, and fix the rates of tax to be imposed on the objects made taxable for state purposes, and also as near as may be, the sum required for county purposes; and if any county is now indebted, it may be lawful for such county court to levy and make to be collected an amount exceeding in amount, the tax imposed by law on the same objects for state purposes in any one year, until the debt now existing shall be paid; and when provided, the county court be first authorized by a majority of all its members to pay taxes in their respective counties, when rate-making is then, they shall cause their clerks to make out, from the corrected assessment list, two lists, one containing, in alphabetical order, the names of all persons resident in the county to pay taxes, therein; also, in an alphabetical order, the names of all persons resident in the county and liable to pay taxes on property therein, with the number, description and valuation of the property therein contained, and also an account for state and county purposes—the former shall be delivered to the assessor of the county and the later the non-resident tax list—which lists shall be provided by the clerk of the real of his office, one of which lists shall be delivered to the clerk of the county within fifteen days after the court then opens the same to be true and the other shall remain in the office of such clerk; and at the same time the clerk shall certify to the Auditor of public accounts the amount of the property which the county court has ordered to be assessed on the amount of the same for the use of the county, together with a list of all the real property subject to taxation, and a complete and accurate statement of the whole tax list, with the collector's receipt therefor, as now required by law, on or before the first day of September in each and every year.

12. Appeals may be taken from the assessment under the same time as provided in the eighteenth section of the act to which this is an amendment, as well as like time in the subsequent years; and when appeals shall be taken, the same shall be taken on or before the first day of September in the year in which the assessment is made, and the same shall be heard and determined in the county court, according to the provisions of the act to which this is an amendment, and the same shall be considered a supplementary assessment list, and shall, in all things, be preceded on as near as may be as the original assessment list, and allowed to the assessor of the county from which the appeal was taken, towards the payment of the same for the current year.

cepted, and have the privilege of reading any book therein whilst there, and no person whatever shall remove a book therefrom, without first giving a receipt therefor in writing to the secretary of state, and if any person shall refuse or neglect to return any book or books so taken from the library, after three months have elapsed, shall forfeit and pay three times the value thereof, to be recovered in any court having competent jurisdiction thereof, by action of debt in the name of the state for the use of the library.

2. It shall be the duty of the secretary of state, under the direction of the governor as aforesaid, to endeavor to procure, if the same be not in his office, any of the acts or journals aforesaid so as to make the sets complete, and if there has been, or shall not hereafter be received, complete sets of the acts and journals aforesaid; he shall, as aforesaid, open a correspondence with the proper persons and endeavor to procure the same; and when the same cannot be procured in the manner above directed; it shall be his duty to purchase the same, and when the same shall have been procured, they shall be bound, lettered and filed in like manner as is directed with regard to those on hand; and there shall be in like manner like number of the acts and journals of Congress, and of the acts of the general assemblies in each and every state, which may hereafter be received, and like number of the acts and journals of the general assembly of this state, hereafter to be passed, bound, lettered and disposed of, as above directed with regard to those on hand; and the remainder of the acts and journals of congress and the acts of the different states; (if any) now in the office of the secretary of state, shall be put in secure boxes and preserved: subject to the future disposal of the general assembly.

3. There shall be sent to each clerk of the circuit court of this state, one copy of the acts of congress passed at each session thereof (bound as aforesaid) to be by said clerk kept in his office for the use of the several courts, and the inspectors of all persons, and which shall remain forever in said office, and for which he shall give a receipt to the secretary of state, and he shall deliver over said books to his successors in office, with the other books and records of his office.

4. All the books now on hand, and all that may hereafter be acquired by purchase or otherwise, shall be arranged, and an alphabetical list of them kept in said library, which shall state the number of copies of each book or set of books, and a copy of said list shall be laid before each house of the General Assembly at the commencement of each session.

5. That all expenses of procuring and binding the aforesaid books, shall be paid out of the general contingent fund of both houses of the General Assembly.

This act to take effect and be in force, from and after the passage thereof.

January 23, 1829.

CHAPTER. 130. STATE DEBTS.

Chap. 149, 169, 231, 309, 322.

AN ACT to authorize the procurement of a loan of money to the State of Missouri, for the purpose of paying off the State debt.

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| 1. Governor authorized to borrow \$750,000—rate of interest—principal, when payable—faith of State pledged—interest, when payable. | for—day of Auditor and Treasurer, money how disposed of, &c. |
| 2. Governor to notify Treasurer of loan—day of Treasurer—notice, how given. | 4. Warrants shall not draw interest, after what time. |
| 3. Governor shall deposit money borrowed with Treasurer, and take duplicate receipts therefor. | 5. Auditor and Treasurer shall furnish Governor copy of record, &c., when. |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The Governor of this State be, and he is hereby, authorized and required to contract for the loan of seventy thousand dollars, from any body corporate, person or persons whomsoever, at a rate of interest not to exceed six per centum per annum, to accrue from the date of the reception thereof, payable in four equal annual installments: the first payable on the first day of January, eighteen hundred and thirty-two; the second on the first day of January, eighteen hundred and thirty-three; the third, on the first day of January, eighteen hundred and thirty-four; and the fourth, on the first day of January, eighteen hundred and thirty-five; pledging the credit of the State for such payments; and the interest to be paid thereon semi-annually from the date of the loan, if required by the person or persons loaning the same.

2. So soon as the governor shall have contracted for the loan as aforesaid, he shall inform the Treasurer of the State thereof, whose duty it shall be, immediately thereafter, to advertise in each newspaper published in this State, for six consecutive weeks, that he will on a certain day, to be named in said advertisement not less than three months from the date of such advertisement, be prepared with funds to redeem all auditor's warrants and loan office certificates, which have been legally drawn and payable out of the State treasury; provided, that any time after the deposit aforesaid, the treasurer is hereby authorized to pay to any person presenting a warrant for payment, the amount of such warrant, by endorsing on the back of the same the day of its redemption, together with the interest paid thereon.

3. It shall be the duty of the governor, previous to the day assigned by the treasurer for the redemption aforesaid, to procure and deliver to the said treasurer, the full amount of the sum of money borrowed, in compliance with the provisions of the first section of this act, who shall give duplicate receipts therefor, and deliver one to the secretary of State, and the other to the auditor of public accounts; who shall charge said treasurer with the amount by him received; and it shall be the further duty of the said treasurer, on the day assigned for the redemption aforesaid, to pay to the holders of all warrants and certificates of the description

aforsaid, the amount due them respectively; but if for want of time, one or more of such warrants or certificates shall not be redeemed on said day, then the holder of such unredeemed paper, shall make out a true list thereof and deliver it to said treasurer, and thenceforward be entitled to the interest thereon, until payment thereof shall be made; *provided*, application for such payment shall be made within ten days from the aforesaid day of redemption; but if the holder of any warrant or certificate shall not make application for payment as herein prescribed, such holder shall thenceforward be entitled to no interest thereon.

4. No interest shall accrue on any warrant, drawn by the auditor of public accounts on the treasurer of this State, after the day on which the treasurer shall have advertised his readiness to redeem the same.

5. All specie payments hereafter made to the State treasurer, and all other current money found in the treasury after the procurement of the loan contemplated by this act, and not necessary to supply the contingent fund, shall be subject to be appropriated to the redemption of auditor's warrants and loan office certificates.

6. It shall be the duty of the auditor of public accounts and treasurer of State to deliver to the executive of this State, when required, a transcript of any record, account, document or paper whatever, having relation to duties enjoined on said executive by law, which they or either of them shall be in possession of by virtue of their offices respectively.

This act to take effect and be in force from and after its passage.

January 23, 1899.

CHAPTER 131.

LOAN OFFICES.

CHAP. 13, 376.

*AN ACT supplementary to an act to provide for the final settlement of the business of the several loan offices.**

1 Records, papers, &c. to be delivered by clerks to circuit attorneys—circuit attorneys shall give duplicate receipts and close the business of the loan offices.

2 Circuit attorney shall take oath, give bond, penalty of bond, condition—bond shall be deposited in office of Secretary of State—failure to give bond governor may appoint.

3 Furniture of loan offices to be sold.

4 Circuit Attorney resigning, papers &c. shall be delivered to successor—circuit courts

may compel delivery.

5 Circuit Attorney shall keep an account of proceedings, and make report to auditor annually.

6 Circuit Attorney shall make final settlement with loan office clerk—clerk shall make report and inventory—failing to deliver suit shall be instituted on his bond.

7 Compensation to circuit attorneys, how paid.

8 Repeat.

*Obsolete.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The several clerks who have charge or control of the business of the loan offices in the several districts, shall on or before the first day of May, surrender all debts, dues, mortgages, records and papers, of every nature or kind whatsoever, appertaining to the State, in their respective offices, to the circuit attorney of the proper circuit, who is hereby authorized and required to receipt for the same, to give duplicate receipts therefor, one whereof shall be transmitted to the auditor of public accounts, who shall charge the said circuit attorney with the debts, dues, mortgages and papers so by him received; and the said circuit attorneys shall proceed to close the business appertaining to such loan offices so soon as practicable, and to pay the proceeds thereof into the State treasury.

2. Before the said circuit attorneys shall enter upon the discharge of any of the duties required of them by this act, they shall take an oath or affirmation, faithfully and impartially to perform the same, and shall moreover give bond to the State, with one or more sufficient securities, in a sum not less than two thousand dollars, to be approved of by the judge of the circuit court, in which they may reside, conditioned that they will faithfully perform all the duties enjoined on them by this act, in relation to the business of the loan office; that they will well and truly collect, as far as practicable, account for and pay over according to law, all moneys, loan office certificates, auditor's warrants, or other public securities, that may come to their hands, in virtue of their office; that they will safely keep all papers, records and documents appertaining to the several loan offices aforesaid; which bond with the oath aforesaid, and the certificate of the judge approving the same, shall be deposited in the office of the secretary of state, and if such bond with the endorsements aforesaid, be not filed as aforesaid, the governor may appoint a suitable person, to do and perform all the things by this act required, who upon entering into a like bond, with the oath and certificate thereon endorsed as aforesaid, shall be authorized to do and perform all matters and things, herein required to be done and performed, by the respective circuit attorneys of this State.

3. The furniture belonging to the State in the several loan offices, shall be sold at public auction, ten days notice of the time and place of sale having been previously given, and the proceeds thereof shall be paid into the State treasury; and it shall be the duty of the circuit attorney of the proper circuit, or other person appointed as aforesaid, to take charge of said furniture and conduct the sale of the same.

4. If the circuit attorney, or other person appointed in his stead, shall resign (or in case of death his executors or administrators) shall deliver to his successor all records, books, papers, bonds, notes, mortgages, monies, certificates, warrants or other evidences of debt appertaining to the loan offices, and upon default thereof the circuit court of the county in which the person or persons so in default may be found; may proceed and compel him or them to do so by attachment or other process: *Provided*, that such proceedings shall be no bar to an action on the official bond of such person.

5. It shall be the duty of the circuit attorney, or other person appointed in his stead, to keep a full and true account of his proceedings under this act, and on the first day in each year, make out and transmit to the auditor of public accounts, an accurate report of his proceedings, concerning the loan office; the names of the debtors, the amount of each debt, the amount paid by each debtor, and the description of the money paid.

6. It shall be the duty of the circuit attorneys, or other person appointed in the stead in virtue of this act, immediately to make or cause to be made, a final settlement with the respective clerks of the several loan offices in this state, requiring them to make out and deliver to the circuit attorneys respectively, a true report of their proceedings; and an inventory of all notes, bonds, mortgages, money-books, records, papers and furniture which they may have on hand appertaining to the state, in their said several loan offices; and to deliver the same over to said circuit attorneys respectively, and if it shall be found that said clerks, or either of them, have not delivered over as herein provided, all notes, bonds, mortgages, money-books, records, papers and furniture, which they may have in their hands, appertaining to the business of the loan offices, it shall be the duty of the circuit attorneys or other persons appointed as aforesaid, to institute suit against such clerks, so failing as aforesaid, on their official bonds.

7. The several circuit attorneys or other persons appointed as aforesaid, in whose custody and charge, the business of the several loan offices in this state is committed, shall for their respective services done and performed in virtue of this act, receive the sum of seventy-five dollars, to be paid at the end of each year, during their continuance in office; by the treasurer of this state, upon the warrant of the auditor of public accounts, drawn therefor.

8. An act passed February the eighth, eighteen hundred and twenty-five entitled "an act, to provide for the final settlement of the business of the several loan offices," be, and the same is hereby repealed.

This act shall take effect and be in force, from the first day of April next.

January 23, 1893.

CHAPTER 132.

MILITIA.

CHAP. 22, §4, 75, 178, 250, 423.

AN ACT supplementary to an act entitled an act, to organize, govern, and discipline the militia, approved twelve February, one thousand eight hundred and twenty-five, and to amend an act entitled an act, for the further organizing and disciplining the militia, approved first January, one thousand eight hundred and twenty-seven.*

*Repealed R. L. 1835, p. 364, sec. 53.

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| 1. Combs of companies shall make return to | 6. Secretary of state shall cause this act to be printed and distributed—what officers entitled thereto—blank forms. |
| 2. Colonels of regiments and captains of companies shall make return to the auditor of public accounts, of the number of companies, and of the number of men, in each company, on the first day of June in each year, and for every neglect of such duty, the commanding officer aforesaid, shall pay a fine of five dollars, to be assessed by the annual regimental courts of assessment; and it shall be the duty of the colonel or commanding officer of the regiment or extra battalion, to make return of all such delinquents, to the judge advocate of their respective regiments, on or before the first Monday in November annually, whose duty it shall be to lay the same before said court, and said fines shall be assessed and collected as other militia fines. | 7. If regiment or extra battalion fail to elect, who shall nominate, organize and hold the annual meeting of the company, on the first day of June in each year, and for every neglect of such duty, the commanding officer aforesaid, shall pay a fine of five dollars, to be assessed by the annual regimental courts of assessment; and it shall be the duty of the colonel or commanding officer of the regiment or extra battalion, to make return of all such delinquents, to the judge advocate of their respective regiments, on or before the first Monday in November annually, whose duty it shall be to lay the same before said court, and said fines shall be assessed and collected as other militia fines. |

Be it enacted by the General Assembly of the State of Missouri [as follows:]

- It shall be the duty of every commanding officer of a company, to make out in the month of May annually, a complete return or roll of his company, showing the number of commissioned and non-commissioned officers, musicians and privates, with their arms and equipments; and transmit the same, certified and signed by himself, to the colonel or officer commanding the regiment or battalion to which he may belong, on or before the first day of June in the same year; and for every neglect of such duty, the commanding officer aforesaid, shall pay a fine of five dollars, to be assessed by the annual regimental courts of assessment; and it shall be the duty of the colonel or commanding officer of the regiment or extra battalion, to make return of all such delinquents, to the judge advocate of their respective regiments, on or before the first Monday in November annually, whose duty it shall be to lay the same before said court, and said fines shall be assessed and collected as other militia fines.
- The colonel or commanding officer, shall make out correct returns of their respective regiments or battalions, in the month of June in every year, showing the number and grade of field officers and non-commissioned staff officers, the number of regimental musicians and an abstract of the company returns, showing the names of the commanding officers of each company, the number of commissioned and non-commissioned officers of each grade, the number of musicians and privates respectively belonging thereto, with their arms and equipments, and transmit the same, certified and signed by himself and countersigned by the adjutant, to the brigadier general of his brigade, on or before the first day of July in the same year; and for every neglect of such duty, he shall pay a fine of ten dollars, to be collected as other militia fines.
- It shall be the duty of the several brigadier generals, to make out full and complete returns of their respective brigades, certified and signed by themselves and countersigned by the brigade inspector, and transmit the same to the major general commanding the division to which he belongs, on or before the first day of September annually; and for every neglect of such duty, he shall pay a fine of twenty dollars, to be collected as other militia fines.
- It shall be the duty of the several major generals, to make full and complete returns of their respective divisions, certified and signed by themselves and countersigned by the division inspector, and to transmit the same to the adjutant general

11. Nothing in this act contained, shall be so construed as to compel the stockholders to accept of this incorporation, unless they shall so decide, which decision shall be made on or before the first day of November next, and that Young, Ewing, Andrew S. McGirk, and James S. Dobbin, are hereby authorized to open the books and receive the funds until others may be elected for that purpose.

This act to take effect and be in force from and after the passage thereof.

January, 12, 1831.

CHAPTER 171.

LOAN OFFICES.

CHAP. 74, 131, 172, 217, 240, 376, 409.

*AN ACT to provide for the sale of the lands and other property purchased and under the provisions of law, which were sold for the payment of Le Office debts.*¹

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| 1 Lands purchased by State under Loan Office system to be sold. | 5 Money to be paid into treasury by sheriff—compensation to sheriff—treasurer shall receipt to sheriff. |
| 2 Sheriffs to make deeds to purchasers, when. | 6 Penalties for failing to comply with this act. |
| 3 Evidence of title to be delivered to sheriff. | 7 Penalties on persons failing to deliver evidence of title. |
| 4 Sheriffs to report to clerks of circuit courts—duty of clerks. | |

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. It shall be the duty of the governor to cause all lands and other property now held by this state under purchases made under the loan office system, to be sold for ready money, by the sheriffs of the several counties in which such lands may lie, causing thirty days notice of the time and place of such sale to be given by publication in some newspaper printed in this state; which sale shall in all things be conducted as sheriff sales are provided by law to be conducted.

2. The said sheriff, so as aforesaid making the sale, shall, and he is hereby authorized and empowered to receive and report for the purchase money, and also to make to the purchaser or purchasers, a deed conveying all the right, title, claim and interest, whether in law or equity, that the state may have in and to the lands and premises so by him sold; which deed shall be acknowledged as sheriff's deed as now by law directed.

3. It shall be the duty of the circuit attorneys in this state, or other person who may hold the evidence of title, or title papers, to such lands and premises, to deliver over the same to the sheriff of each county wherein such lands may lie, and thereupon take from such sheriff a receipt for the same, which receipt shall be forthwith forwarded to the Auditor of Public Accounts, who is hereby required to file the same in his office.

4. It shall be the duty of the said sheriff, to make a report under his hand and seal, of all such sales, so soon as they may be made, to the clerk of the circuit court of the county in which such lands and premises may lie, setting forth a description of the lands and premises so sold, to whom the same were sold, and for what price, which shall be filed by him in his office; and it shall thereupon be the duty of the said clerk to make out two fair copies of said return, and attest the same, with the seal of the court to be thereto affixed, one of which copies shall be forthwith forwarded to the Auditor of Public Accounts, and the other to the Treasurer; and thereupon it shall be the duty of the treasurer to charge the said sheriff with the amount for which such lands and premises were sold.

5. It shall be the duty of said sheriff, within sixty days after said sales so as aforesaid made, to pay the amount of money by them received, for and on account of such sales, after deducting five per centum for his trouble, into the treasury of the state; and thereupon it shall be the duty of the treasurer to give to said sheriff duplicate receipts, one of which shall be by him filed with the auditor of public accounts, and said auditor shall thereupon charge the treasurer with the amount so by said sheriff paid into the treasury.

6. The said sheriff shall, for failure to pay in the sums of money by them respectively received, on account of the sales aforesaid, be subject to the same penalties and forfeitures, and liable to be proceeded against in the same manner, that collectors of the revenue now by law are subject to.

7. Any person or persons who may have in their hands any title papers, or evidences of title to the lands and premises, in the first section of this act set forth, shall fail or refuse to deliver over the same, or every part thereof, to the sheriff of the proper county, on demand made, shall forfeit and pay the sum of two thousand dollars, to be recovered by presentment to the grand jury of the proper county.

January 12, 1831.

CHAPTER 172.

LOAN OFFICES.

CHAP. 74, 130, 171, 217, 240, 376, 409

*AN ACT supplementary to the several acts, to provide for the final settlement of the business of the several loan officers, and for the relief of Robert W. Wells, the attorney generals for services rendered.*¹

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| 1 Law allowing compensation to attorney general and circuit attorneys repealed. | 4 Attorney general and circuit attorneys shall make report to auditor annually—amount due the state to be paid the treasurer. |
| 2 Loan office titles to be compounded,—upon what condition. | 5 Forfeiture for not complying with this act. |
| 3 Compensation to attorney general and circuit attorneys for making settlement. | 6 Allowance to R. W. Wells attorney general. |

¹Repealed, R. L. 1835, page 384, sec. 33.

¹Continued in force, R. L. 1835, page 384 sec. 31.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. So much of an act, allowing to the attorney general, circuit attorney or other persons, the sum of seventy-five dollars annually, for settling and adjusting the business of the several loan offices of this state, approved twenty-third day of January, eighteen hundred and twenty-nine, be and the same is hereby repealed.

2. It shall and may be lawful for the attorney general, circuit attorneys, and other persons appointed (and) finally to settle the business of the several loan offices, to compound with all loan office debtors by receiving from them fifty cents in the dollar upon the amount of the principal which now remains due from them, without including any of the interest now due upon such debts, provided the said debtors shall take the benefit of this act on or before the first of November, eighteen hundred and thirty-two; and in all cases wherein the loan office debtors may avail themselves of the provisions of this act, and make payment accordingly, the attorney general, circuit attorneys and other persons appointed finally to settle the business of the several loan offices, respectively, shall cancel the bonds of such debtors, and shall enter satisfaction upon all mortgages, which have been given a collateral security of such loan office debts.

3. The attorney general, circuit attorneys, and other persons appointed finally to settle the several loan offices, shall be allowed five per centum upon all monies collected and paid into the treasury under the provisions of this act, provided, that the compensation herein allowed, shall not be claimed upon collections already made by said officers.

4. It shall be the duty of the attorney general, the circuit attorneys and the other persons, appointed finally to settle the business of the several loan offices, in the first week of March and November in each year, respectively, to make out and transmit a report of his proceedings to the auditor of public accounts; and to account for and settle with the auditor for all monies received for loan office debts, and the auditor shall charge them respectively for the amount received, after deducting their per centum for collecting; and it shall be their duty to pay to the treasurer, what shall appear to be due to the state, after such settlement, and take his receipt therefor; and the auditor shall charge the treasurer for the amounts received.

5. If the attorney general, circuit attorneys, or other persons appointed finally to settle the business of the several loan offices, shall fail to comply with the requirements of the foregoing section, for each failure, the officer making the same, shall forfeit the sum of one hundred dollars to the state, to be collected as penalties incurred by the collectors, for failing to pay taxes collected into the treasury, by the auditor's issuing his warrant of distress therefor.

6. R. W. Wells, the attorney general, be allowed the sum of twenty-five dollars, as an additional compensation for his services already performed in settling the business of the first and second loan office districts, and that the auditor draw his warrant therefor, and the treasurer pay the same, out of the appropriation for the expenses of the loan offices.

This act to take effect from and after its passage.

January 12, 1831.

CHAPTER 173.

CORPORATIONS.

§ 5, 61, 67, 147, 170, 182, 201, 224, 217, 255, 256, 265, 296, 310, 312, 313, 371, 377, 382, 390, 408, 410, 422.

AN ACT to incorporate the Insurance Company of St. Louis.

1 Company incorporated—capital shares.

2 Books for subscription shall be opened.—Subscribers shall choose directors—books may be re-opened.

3 Subscribers &c. incorporated—powers.

4 Mode and time of paying subscription—company not to make insurance until subscription is paid or secured.

5 What insurance company may make,—may lend money, how,—may cause themselves to be insured

6 Directors, powers and duties—time and place of electing—term of office—notice of election—how conducted—failure to hold election not to act as dissolution.

7 President, by whom chosen,—vacancies, how filled—President pro tem, may be appointed.

8 Majority of directors shall constitute board—

may appoint a secretary and clerks—declare dividend and make bye-laws.

9 Stock considered personal property and made assignable.

10 Company may hold real estate—shall not employ stock in merchandise, brokering, nor in purchase of stock—shall not emit notes &c.

11 Policies and contracts signed by president and attested binding without the seal—business may be carried on by committees or assistants.

12 No other company to carry on insurance business without license.

13 Stock, when and how apportioned.

14 This act declared to be a public act—duration—power of general assembly to repeal.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. An insurance company shall be established in the city of St. Louis, with a capital stock of one hundred thousand dollars, which may be increased at the will of the stockholders of said company to any amount, not exceeding four hundred thousand dollars, divided into shares of one hundred dollars each to be subscribed and paid for, by individuals, companies or corporations, in the manner hereinafter specified.

2. George Collier, John Mullanphy, Peter Lindell, James Clemens, Thomas Biddle, Henry Vonphul, Edward Tracy, and William K. Rule, or any three of them be and they are hereby authorised to open books of subscription in said city, for the capital stock of said company on the first Monday of February next and keep them open every day from ten o'clock A. M. till four o'clock P. M. for the space of six days, when the same shall be closed. If within the said six days five hundred shares shall be subscribed for, it shall be lawful for the subscribers to meet, after fifteen days public notice shall have been given of the time and place of election, and choose their directors, who may at any time after public notice given, cause the subscription books to be re-opened, and to continue open until the whole amount of stock shall be taken.

3. The subscribers for the stock of the said company, their associates, successors and assigns, shall be and they are hereby ordained, constituted and declared a body corporate and politic in name and in fact, by the name and style of the Missouri

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Witnesses hereafter subpoenaed to give evidence in more cases than one the same day, in the same court; shall be allowed when the number of cases does not exceed two, thirty-seven and one half cents for each case; when the number does not exceed three for each case, thirty-one and one fourth cents; when the number exceeds three, twenty-five cents for each case.

2. A witness subpoenaed in more cases than one as aforesaid, shall not be allowed to the charge whole of his fees in one case, but shall charge equally in each case.

3. It shall be the duty of the several clerks to keep a book in which they shall enter an account of the attendance and mileage of all witnesses, for which the witnesses shall each pay to the said clerks the sum of six and one fourth cents; and so much of the act concerning fees, as requires witnesses to make out an account of their attendance, shall be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

January 18, 1831.

CHAPTER. 216.

COUNTIES.*

CHAP. 9, 11, 39, 41, 45, 100, 105, 106, 119, 120, 127, 156, 159, 163, 164, 185, 186, 233, 241, 235, 236, 242, 243, 245, 248, 257, 258, 266, 273, 274, 332, 335, 342, 343, 344, 349, 361, 368, 369, 374, 387, 395, 403, 412, 417.

1 Certain territory attached to Crawford county.

Be it resolved, by the General Assembly of the State of Missouri, [as follows:]

1. All that portion of territory lying south and west of Crawford county, which is not included in the limits of any county, shall be attached to the said county of Crawford, for all civil and military purposes, until otherwise provided by law.

January 18, 1831.

CHAPTER 217.

LOAN OFFICES.†

CHAP. 74, 131, 171, 172, 240, 376, 409.

1 Loan office certificates not presented before | Jan. I, 1832, barred.

*Repealed R. L. 1835, p. 384, s. 23.

†Expired.

Resolved, by the General Assembly of the State of Missouri, [as follows:]

1. The payment of all unredeemed loan office certificates which shall not be presented to the proper officer for redemption, on or before the first day of January eighteen hundred and thirty two, shall be forever barred from payment: and that it is made the duty of the governor of this state to have this resolution published in three of the most public newspapers one month, in this state as soon as practicable after its passage.

January 18, 1831.

CHAPTER 218.

REVENUE TABLE.

Auditor to make an aggregate statement of revenue, for gen. assembly.

Be it resolved, by the General Assembly of the State of Missouri, [as follows:]

1. It shall be the duty of the auditor of public accounts to furnish, to the next general assembly, a complete table of the revenue, shewing the number, valuation, each object of taxation, and the amount of revenue from each, with the aggregate amount of taxation in each county, and an aggregate statement of the amount of taxation upon each object; and a statement of what is allowed for the assessing, collecting, and making out the tax lists in each county separately, for the years eighteen hundred thirty-one and eighteen hundred and thirty-two.

January 18, 1831.

CHAPTER 219.

COURTS.

CHAP. 31, 71, 79, 80, 89, 96, 98, 125, 126, 187, 225, 294, 301.

*AN ACT to fix the time of holding the Supreme and Circuit courts.**

1 First circuit—courts, when held.

2 Second circuit—courts, when held.

3 Third circuit—courts, when held.

4 Fourth circuit—courts, when held.

5 Fifth circuit—courts, when held.

6 Supreme court—when and where held.

7 Judicial districts—first, second, third, fourth.

8 Writs and process, when returnable.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The circuit courts of the several counties in the first judicial circuit, shall be

2 chap. 225, repealed, chap. 301, sec. 10.

learning, so that the same shall not be repugnant to the laws of the land, nor injurious to the rights of conscience; to distinguish merit by such literary honors and rewards, as they may judge proper; and, generally, to have and enjoy all the powers, rights and privileges usually exercised by literary institutions of the same rank.

5. A majority of the whole number of trustees for the time being, shall be a quorum, and be capable of exercising all the powers, and transacting all the business of the board.

6. The said board of trustees shall keep a fair record of all its corporate acts, and shall lay a copy thereof before the General Assembly, or either house thereof, whenever required so to do; and the General Assembly reserves to itself the right and power to alter or repeal this charter, whenever it shall be of opinion that the said University has failed to accomplish the beneficent purposes for which it was created.

This act shall take effect and be in force from and after the passage thereof.

December 28, 1832.

CHAPTER 229.

VETO MESSAGE.

| | |
|---|---|
| 1 Doctrine of veto message approved. | 3 Secretary of state requested to forward reso- |
| 2 Senators instructed and representatives re- | lutions. |
| quested to oppose a Bank. | |

Resolved by the Senate and House of Representatives [as follows:]

[1.] We approve of the principles and doctrines laid down in the veto message of the President on the bill to re-charter the Bank of the United States; that we view the creation of such a corporation by Congress, a violation of the Federal Constitution, and a monopoly possessing exclusive privileges, which are dangerous to the rights and liberties of the people; therefore,

[2.] Our senators in congress be instructed, and our representatives be requested to oppose by their votes and influence, any and every bill which may be brought before Congress for the purpose of re-chartering said institution.

[3.] The secretary of State be requested to forward to each of our senators and representative, a copy of the foregoing resolutions.

December 28, 1832.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Hereafter, it shall be and is hereby declared to be the duty of the treasurer of this state, immediately after any person shall be elected or appointed and qualified as his successor in office, to count all moneys, securities and other effects in his possession, belonging to the state, and deliver the same, and every part thereof, over to his successor in office, taking duplicate receipts, one of which shall be kept and filed in the auditor's office therefor; which receipt shall be attested by at least two subscribing witnesses.

2. The treasurer, when so superseded, and his successor in office, shall each make separate reports to both houses of the general assembly, whereupon there shall be a joint committee appointed by the senate and house of representatives; and it shall be the duty of said committee to compare the said reports so made by the first and last treasurer, with the treasurer and auditor's books, and report to each house accordingly; and should any discrepancy be found, either in the reports of the former and last treasurer, or the books of the departments aforesaid, the treasurer, who may be superseded as aforesaid, shall not be released from any liability he or they may have incurred.

3. All acts or parts of acts, repugnant to, or inconsistent with the provisions of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after the passage thereof.

January 2, 1833.

CHAPTER 210.

LOAN OFFICES.

CHAP. 74, 131, 171, 172, 217, 376, 409.

*AN ACT supplementary to an act for the establishment of Loan Offices, and the several acts supplementary thereto.**

1 Money appropriated for paying demands against | the State.

Be it enacted by the general assembly of the State of Missouri, [as follows:]

1. The sum of one thousand dollars, be, and the same is hereby appropriated, for the purpose of paying all just and legal demands against the state by all officers for fees now due, or for services which may hereafter be necessarily rendered in the settlement of the business of the several loan offices.

January 4, 1833.

*Expired

CHAPTER 241.

TREASURY DEPARTMENT.

CHAP. 46, 104, 239.

*AN ACT in addition to an act entitled, "an act supplementary to an act to regulate the Treasury Department," approved, January 2nd, 1833.**

1 Former treasurer to settle with present treasurer.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. James Earickson, late treasurer of the State of Missouri, be, and he is hereby authorised to settle his accounts as treasurer as aforesaid, with John Walker, the present treasurer, according to the provisions of the act to which this is an addition.

January 4, 1833.

CHAPTER 242.

COUNTIES.

109, 9, 11, 39, 41, 45, 100, 105, 106, 119, 120, 127, 156, 159, 163, 164, 185, 186, 216, 233, 234, 235, 236, 243, 245, 248, 257, 258, 266, 273, 274, 332, 335, 342, 343, 344, 349, 361, 362, 369, 374, 387, 395, 403, 412, 417.

AN ACT to organise the county of Morgan.†

1 Boundaries of Morgan county.

2 County courts, when held.

3 County courts, where held.

4 Suits commenced, how prosecuted.

5 Added to first judicial district.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. All that portion of territory lying within the following boundaries, to wit: beginning on the range line between ranges fifteen and sixteen, at the north east corner of section twelve, in township forty-five, range sixteen; running thence west, parallel with the township line to the northwest corner of section seven, township forty-five, range twenty, on the range line between ranges twenty and twenty-one; thence south, with said range line on to the centre of the main channel of the Osage river; thence down said river, in the middle of the main channel thereof, to the point where the range line between ranges fifteen and sixteen crosses said river; thence a straight line to the beginning, be, and the same is hereby declared to be a separate and distinct county, to be known and called by the name of Morgan county.

2. The county courts of said county shall be held on the first Mondays of February, May, August and November.

*Expired.

†Repealed R. L. 1835, p. 384, s. 33.

AN ACT attaching certain territory to Benton County.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. All that portion of territory lying south of Morgan county, east of Benton, north of Polk, and west of Pulaski county, is hereby attached to Benton county, for all civil and military purposes, until otherwise provided by law.

2. This act to take effect and be in force, from and after its passage.

February 17, 1835.

\$1 D

\$5 B C

CHAPTER 375.

RELIEF.

CHAP. 4, 5, 12, 17, 18, 23, 25, 85, 232, 284, 286, 307, 331, 346, 405.

AN ACT for the benefit of Robert Sinclair.

- 1 R. Sinclair authorised to enclose certain lots in Canton, by consent of county court. 4. Time of taking effect of this act.
2 & 3 County court authorised to act—and have

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. Robert Sinclair is hereby authorised (by obtaining the consent of the county court of Lewis county,) to enclose so much of the town of Canton, in said county of Lewis, as is laid off on the lands of said Sinclair, and remains undisposed of by him.

2. The said county court shall have authority at their discretion to grant the privilege mentioned in the first section of this act.

3. Said court shall also have authority, upon good cause shown, at their discretion, to cause the streets and alleys which may be enclosed under the provisions of this act, to be opened.

4. This act to take effect and be in force from and after its passage.

February 17, 1835.

CHAPTER 376.

AUDITOR'S WARRANTS AND LOAN OFFICE CERTIFICATES.

CHAP. 13, 131.

AN ACT to authorise the Treasurer to pay of certain Auditor's Warrants.

- 1 & 2 Authorising Treasurer to pay off certain auditor's warrants. 3 Authorising treasurer to pay off certain loan office certificates.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The treasurer of the State of Missouri be, and he is hereby authorised and required to pay off and redeem the following described auditor's warrants, to wit: Warrant number seven thousand seven hundred and forty-seven, dated the thirtieth of December, eighteen hundred and twenty-six, for five dollars, in favor of Stewart, under the head of pay of the general assembly; warrant number seven thousand one hundred and fifty-six, dated the thirtieth day of December, eighteen hundred and twenty-six, for the sum of three dollars, in favor of P. M. Dillon, under the head of pay of the general assembly; warrant number three thousand five hundred and seventy-three, dated thirtieth of November, eighteen hundred and twenty-seven, for the sum of three dollars, in favor of E. I. Peers, under the head of pay of militia officers; also, warrant number five thousand six hundred and eighty-eight, dated fourteenth of January, eighteen hundred and twenty-nine, for five dollars, made payable to R. S. Dorsey, under the head of pay of the general assembly, it being the same warrant altered from six to sixty, and R. D. Dorsey, in place of R. S. Dorsey.

2. Warrant number seven thousand seven hundred and fifty two, dated the thirtieth of December, eighteen hundred and twenty-six, for five dollars, in favor of Stewart, under the head of pay of the general assembly; warrant number eight hundred and sixty-six, dated the fourteenth of June, eighteen hundred and twenty-eight, for five dollars, in favor of E. I. Peers, under the head of appropriation for pay of militia officers.

3. And loan-office certificate number one thousand one hundred and five, letter A, amount five dollars; certificate number four hundred and nineteen, letter A, amount five dollars; certificate number two thousand six hundred and sixty-six, letter C, amount five dollars; certificate number two thousand four hundred and sixty, letter C, amount five dollars; certificate number two thousand six hundred and sixty-four, letter C, amount five dollars; certificate number seven hundred and sixty, letter D, amount one dollar; certificate number five hundred and five, letter A, amount five dollars; and certificate number two thousand six hundred and sixty, amount five dollars.

February 18, 1835.

CHAPTER 377.

CORPORATIONS.

CHAP. 55, 64, 67, 147, 170, 173, 182, 201, 224, 247, 255, 256, 265, 296, 310, 312, 313, 371, 382, 390, 408, 410, 422.

AN ACT to incorporate the Marine Insurance Company of St. Louis.

§ 15. The superintendant of the county buildings shall receive such compensation for his services as the county court shall deem reasonable, to be paid out of the county treasury.

§ 16. The county court of each county shall have power, from time to time, to alter, repair or rebuild any county buildings as aforesaid, which has been or may be erected hereafter in their county, and may cause a pillory, and necessary out-houses to be erected, as circumstances may require, and the funds of the county may admit; and they shall, moreover, take such measures as shall be necessary to preserve all buildings and property of their county from waste or damage.

§ 17. If any person shall commit any trespass, waste, or injury, in or upon any county buildings as aforesaid, or other property, belonging to any county, he or she shall forfeit and pay to the use of the county, four-fold damages, to be recovered in the name of the county, [by] such form of action as individuals may maintain for like injuries to their property.

Approved, January 29th, 1835.

COUNTY TREASURIES.

An act to establish and regulate county treasuries.

ART. I. Of the appointment, qualification and duties of the treasurer.

ART. II. Of the duties of collectors, clerks and other officers.

ART. III. Of the power and duties of the court.

ART. IV. Miscellaneous provisions.

ARTICLE I.

Of the appointment, qualification and duties, of the treasurer.

Sec. 1. Each county court to appoint a treasurer.

2. To give bond to the court; condition of the bond.

3. His residence, duties, &c.

4. Shall keep account of monies received and disbursed, &c.

5. Duplicate receipts to be given for all money paid into the treasury; books, papers, &c., pertaining to his office, subject to inspection.

6. Receipts and expenditures of the county; when to be furnished.

7. Annual settlement of his accounts to be made.

8. To file and register all warrants on the treasury; the name of the owner, &c.

9. Penalty for neglecting to pay warrants, if he has the money.

10. How the penalty may be recovered.

ARTICLE II.

Of the duties of collectors, clerks and other officers.

Sec. 1. Collectors, clerks, &c., to make settlement at each stated term of the court.

2. Refusing to settle, courts may adjust the accounts.

3. Court may refuse to allow commissions to delinquents.

4. Delinquent failing to pay the amount found to be due, to pay 10 per cent., &c.

5. At the next term after settlement, court to enter judgment, with 30 per cent., unless, &c.

6. If good cause be shown for setting aside settlements, courts may re-examine accounts, &c.

7. Amount due on settlement, to be a lien on real estate of delinquent.

8. Duty, of the clerk of the court in certain cases, in keeping accounts, &c.

COUNTY TREASURIES.

ARTICLE III.

Of the power and duties of the court.

- SEC. 1. Shall have power to audit, adjust and settle accounts, where the county is a party; to order suits to be brought, to enforce collections, &c.
2. Form of a warrant for money to be drawn by the clerk.
 3. Warrant by whom signed and tested, to be numbered, &c.
 4. Compensation to the clerk and treasurer.

ARTICLE IV.

Miscellaneous provisions.

- SEC. 1. Clerks of courts to keep accounts of monies accruing to the county.
2. Clerks to settle their accounts at each term; amount to be certified.
 3. Courts of record to settle with sheriff at each term for money due the county, and certify the same, &c.
 4. Justices of the peace to report fines imposed by them, to each court; duty of the clerk.
 5. Certified copy of settlement to be transmitted to clerk of the county court.
 6. Who shall not be eligible to be treasurer.
 7. For what county warrants may be received in payment.

Be it enacted by the general assembly of the state of Missouri, as follows:

ARTICLE I.

Of the appointment, qualifications and duties of the treasurer.

§ 1. The county court of each county shall appoint a treasurer therefor, and supply the vacancies which may happen in that office.

§ 2. Immediately after his appointment, the treasurer shall enter into bond for the county, in such sum, and with such securities, as shall be approved by the court, conditioned for the faithful performance of the duties of his office.

§ 3. He shall reside within one mile of the place of holding the courts of the county, receive all monies payable into the treasury thereof, and disburse the same on warrants drawn by the order of the county court.

§ 4. He shall keep a just account of all monies received and disbursed, and file regular abstracts of all warrants drawn on the treasury and paid.

§ 5. He shall make duplicate receipts, in favor of the proper person, for all monies paid into the treasury, and keep the books, papers and money pertaining to his office, at all times ready for the inspection of the court or any judge thereof.

§ 6. As often, and in such manner, as may be required by the court, he shall furnish an account of the receipts and expenditures of the county.

§ 7. He shall, once in every year, settle his accounts with the court; and, when he resigns, be removed from office, or dies, he, or his executor or administrators, shall immediately make such settlement, and deliver to his successor in office all papers pertaining thereto, together with all money belonging to the county.

§ 8. He shall file all warrants on the treasury, make a register of the number and date thereof, the name of the person in whose favor drawn, and the amount thereof.

§ 9. If he shall neglect or refuse to pay any warrant drawn by order of the county court, according to law, having in his hands money applicable thereunto, he shall forfeit and pay to the holder four-fold the amount thereof.

§ 10. The same may be recovered by action of debt, to the use of the aggrieved party, against such treasurer and his securities on his official bond. He shall, moreover, be deemed guilty of a misdemeanor in office, and proceeded against accordingly, as in case of a clerk.

ARTICLE II.

Of the duties of collectors, clerks, and other officers.

§ 1. All collectors, sheriffs, clerks, constables, and other persons, chargeable with monies belonging to any courts, shall render their accounts to, and settle with, the county court, at each stated term thereof; pay into the county treasury any balance which may be due the county, take duplicate receipts therefor, and deposit one of the same with the clerk of the county court, within five days thereafter.

§ 2. If any person thus chargeable, shall neglect or refuse to render true accounts, or settle as aforesaid, the court shall adjust the accounts of such delinquent according to the best information they can obtain, and ascertain the balance due to the county.

§ 3. In such case the court may refuse to allow any commission to such delinquent; and he shall, moreover, without delay, pay into the county treasury, the balance found due as aforesaid.

§ 4. If he shall not pay the amount thereof, and produce to the clerk of the county court the treasurer's receipt therefor, within ten days after such balance is ascertained, the clerk shall charge such delinquent ten per centum on the amount then due.

§ 5. Unless the delinquent appear on the first day of the next succeeding term, and shew good cause for setting aside such settlement, the court shall enter up judgment for the amount due, with thirty per centum per annum until paid, and issue execution therefor. Such delinquent shall, moreover, be deemed guilty of a misdemeanor in office, and proceeded against accordingly.

§ 6. If good cause be shewn for setting aside said settlement, the court may re-examine the accounts, settle and adjust the same according to law, and, in their discretion, remit the penalties, previously imposed.

§ 7. The amount, or balance, of every account settled agreeably to this act, shall be a lien, from the date of such settlement, on all the real estate of the delinquent within the county.

§ 8. It shall be the duty of the clerk of the county courts,

First, To keep regular accounts between the treasurer and the county, charging him therein with all monies paid into the treasury, and crediting him with the amount he may have disbursed, between the period of his respective settlements with the court.

Second, To keep just accounts between the county, and all persons, bodies politic or corporate, chargeable with monies payable into the county treasury, or who may become entitled to receive monies therefrom.

Third, To file and preserve in his office all accounts, vouchers, and other

papers pertaining to the settlement of any account to which the county shall be a party, copies whereof, certified under the hand and official seal of said clerk, shall be admitted to be read in evidence in courts of law and elsewhere.

Fourth, To issue warrants on the treasury for all monies ordered to be paid by the court, keep an abstract thereof, present the same to the county court, at every regular term, balance and exhibit the accounts kept by him, as often as required by the court, and keep his books and papers at all times ready for the inspection of the same, or judge thereof.

ARTICLE III.

Of the power and duties of the court.

§ 1. Each county court shall have power to audit, adjust and settle all accounts to which the county shall be a party; to order the payment, out of the county treasury, of any sum of money found due by the county; to enforce the collection of all money due the county; to order suit to be brought on the bond of a delinquent, and require the attorney general, or circuit attorney for the district, to commence and prosecute the same; to issue all necessary process to secure the attendance of any person, whether party or witness, whom, or the exhibition of any accounts, books, documents or papers, which they may deem necessary to examine, in the investigation of any account or settlement; to examine all parties and witnesses on oath, touching the investigation of any matter arising under the act, and to fine or commit to jail any person guilty of contempt in their presence or who shall refuse to answer any lawful question.

§ 2. When the court shall ascertain any sum of money to be due from the county, they shall order their clerk to issue a warrant therefor, in the following form:—Treasurer of the county of —, pay to —, (the person to whom the money is due) — dollars, out of any money in the treasury appropriated for county expenditures, (or express the particular fund, as the case may require.) Given at — day of —, 183 .

By order of the county court, D. R. D., President. Test, J. B. C., Clerk.

§ 3. Every such warrant shall be signed by the president of the court, attested by the clerk, numbered progressively throughout each year, and when presented at the treasury by the holder thereof, shall be paid by the treasurer; if there is no money in the treasury applicable thereto, the treasurer shall so certify on the back of the warrant, date and subscribe the same.

§ 4. The court shall allow to the clerk and treasurer of the county, for their respective services, under this act, such compensation as they may deem just and reasonable.

ARTICLE IV.

Miscellaneous provisions.

§ 1. It shall be the duty of all clerks of courts of record, to keep just accounts of all fines, penalties, forfeitures, judgments and fees, rendered, imposed or

ing in favor of any county, ready at all times for the inspection of the judges of their respective courts; to render to them, at each term thereof, verified by oath or affirmation, an account of all money which he hath or ought to have received to the use of any county, not before accounted for.

§ 2. It shall be the duty of the judges aforesaid, to audit and adjust the same, according to the records, dockets and papers of their respective courts; to make two separate bills of the several sums wherewith their clerks shall be chargeable; specifying on what account the same is payable, and certify a copy thereof to the clerk of the county court, who shall file and charge the same accordingly; the other shall be certified and delivered to the treasurer.

§ 3. It shall be the duty of all courts of record, at each term thereof, to settle with the sheriff of every county within their jurisdiction, for all monies by him received, or which he ought to have collected for the use of any county, and has not before accounted for; they shall cause their clerk to make out two separate lists of all sums chargeable to any sheriff, and payable to any county, specifying on what account, and causing the same to be certified under the seal of the court.

§ 4. One copy so certified shall be immediately transmitted to the clerk of the county court of the county to which such monies are payable, who shall immediately charge the same accordingly.

§ 5. It shall be the duty of each justice of the peace, at each term of the county court, to make out duplicate lists of all fines by him imposed to the use of his county, stating therein the name of the officer who hath or ought to have collected the same, one of which lists he shall certify and deliver to the clerk of the county court, who shall charge the same accordingly; the other list shall be delivered to the treasurer.

§ 6. No sheriff, clerk or collector, or the deputy of either, shall be eligible to the office of treasurer.

§ 7. All county warrants shall be received in payment of taxes, fines, penalties and forfeitures accruing to the county.

Approved, February 14th, 1835.

COURTS.

JUDICIAL POWER.

An act to establish courts of record and prescribe their powers and duties.

- Sec. 1. Supreme, circuit, and county courts established.
2. Qualification of judge and justice of the courts.
3. Oath of office to be taken.
4. Certificate of such oath to be indorsed upon the commission.
5. Statement of judge under oath, of his age, to be filed.
6. Such statement conclusive evidence of the fact.
7. Supreme court shall direct the form of writs and process, &c.
8. Power and jurisdiction of circuit courts.
9. The county court shall be composed of three judges, to be styled, &c.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. In addition to the amount heretofore appropriated, the sum of four thousand dollars is hereby appropriated for the pay of public printing, out of any money in the treasury not otherwise appropriated.

2. Should there be any deficiency in the state revenue, for the purpose of paying any appropriation made by the General Assembly at this session, the Governor is authorised to borrow an amount equal to the deficiency, from the saline and seminary funds, (or either of them,) at the rate of six per cent. per annum, and the auditor of public accounts shall draw his warrant upon the treasury for the amount so required.

3. This act to take effect and be in force, from and after its passage.

564 No. 264 letter
March 16, 1835.

#1 A C

#3 A

CHAPTER 408.

COLLEGES.

CHAP. 171.

#10 B

AN ACT to incorporate Howard College.

1 Trustees appointed.

2 Their corporate powers defined.

3 The college to be established; where.

4 Trustees of "Fayette Academy" authorised to

convey certain premises.

5 Time of the taking effect of this act.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1 Gray Bynum, John B. Clark, James Eareckson, John Wilson, Uriel Seabee, Roland Hughes, John A. Talbott, John B. Morris, Abiel Leonard, Hampton L. Boon, William M. Chick, Henry Lewis, John T. Cleaveland, John Nauson, Wade M. Jackson, Federal Walker, Edward V. Warren, Thomas J. Boggs, James Boulding, Benjamin Hays, Joel Prewitt, John J. Lowry, William Ward, John Bull, Gerard Robinson, James A. Shirley, John R. White, Archibald Patterson, Thomas Reynolds, and James H. Birch, are hereby constituted a body politic and corporate to be known by the name and style of "The trustees of Howard College."

2. By the name and style aforesaid, they shall have perpetual succession, and may exercise and enjoy all the rights, privileges, and immunities conferred on the trustees of Columbia college, by "An act to incorporate Columbia College," approved February eleventh, one thousand eight hundred and thirty-three.

3. The college, incorporated by this act, shall be established at or near the town of Fayette, in Howard county.

4. The trustees of the Fayette academy, in Howard county, are hereby authorised to convey and transfer, if they think proper, to the trustees of Howard college, the lot of ground, with the appurtenances, in the town of Fayette, belong-

ing to said academy, and the trustees of the college, may appropriate the same to the use of the college, or sell the same and appropriate the proceeds to such use as they shall deem most conducive to the interest of the college.

5. This act shall take effect from the passage thereof.

March 16, 1835.

CHAPTER 409.

LOAN OFFICE CERTIFICATES.

CHAP. 74, 131, 171, 172 217, 240, 376.

AN ACT to authorise the Treasurer to pay off certain Loan Office certificates.

Be it enacted by the General Assembly of the State of Missouri, [as follows:]

1. The treasurer of the State of Missouri be and he is hereby authorised and required to pay off the following loan office certificates: number one thousand five hundred and twenty-five, letter B., dated first day of October, eighteen hundred and twenty-one, for ten dollars: number two thousand one hundred and fifty, letter C., dated first day of October, eighteen hundred and twenty-one, for one dollar: number three thousand and eighty-eight, letter A., dated first day of October, eighteen hundred and twenty-one, for three dollars: number two thousand and fifty-three, dated first day of October, eighteen hundred and twenty-one, it being the half of one dollar certificate, number one thousand three hundred and seventy-two, dated first day of October, eighteen hundred and twenty-one, for fifty cents: number four thousand one hundred and eighty-three, dated first day of October, eighteen hundred and twenty-one, for fifty cents: number two thousand six hundred, dated first day of October, eighteen hundred and twenty-one, for fifty cents, out of any money in the treasury not otherwise appropriated.

March 16, 1835.

CHAPTER 410.

CORPORATIONS.

CHAP. 55, 64, 67, 147, 170, 173, 182, 201, 221, 247, 255, 256, 265, 296, 310, 312, 313, 371, 377, 382, 390, 408, 422.

AN ACT incorporating a Company to make a McAdanized Turnpike Road from the town of Caledonia, in the county of Washington, to the Mississippi river.

1 Company incorporated to construct a turnpike road from Caledonia to the Mississippi

river.

2 Subscription books to be opened; when, where,

An act concerning advertisements.

- Sec. 1. Publication of notices and advertisements to be proven by affidavit of publisher, with advertisement annexed.
2. Publication of advertisement to be paid for by the party having it done, and to be taxed as other costs. Advertisements made by public officer authorized by law, to be paid for out of county treasury.
3. Penalty for defacing, obliterating, tearing down, or destroying certain advertisements.

Be it enacted by the general assembly of the state of Missouri, as follows:

§ 1. Where any notice or advertisement, be required by, or the order of, any court, to be published in any newspaper, the affidavit of the printer, or publisher, with a copy of such advertisement annexed, stating the number and date of the papers in which the same was published, shall be sufficient evidence of the publication therein set forth.

§ 2. Where any notice or advertisement, relating to any cause, matter or thing, in any court of record, shall have been duly published, the same shall be paid for by the party at whose instance the same was published, who shall exhibit his account therefor to the proper court, which, or so much thereof, as shall be deemed reasonable, may be taxed as other costs, or otherwise allowed in the course of the proceeding to which such advertisement relates; and when any such advertisement shall be made by a public officer thereunto authorized by law, the reasonable expense thereof shall be allowed, and paid out of the county treasury, as other demands and charges of the like nature.

§ 3. If any person shall intentionally deface, obliterate, tear down or destroy, before the expiration of the time for which the same shall have been set up, any copy, transcript or extract from any law of the United States, or of this state, or any proclamation, advertisement, or notification, set up at any place in this state, by authority of any law of the United States, or of this state, or by the order of any court, such person shall, on conviction thereof, by indictment, be fined in a sum not exceeding one hundred dollars, nor less than five dollars, to the use of the county in which the offence is committed, and may be imprisoned for any time, not exceeding thirty days, in the discretion of the court.

Approved, December 22d, 1834.

NOTE.—The above law should have immediately followed the law respecting "Arbitrations," &c.

BANKS PRIVATE.

An act to suppress private bank notes.

- Sec. 1. No person, without authority of law, to issue notes, &c., as a circulating medium.
2. Punishment by fine and imprisonment.
3. Fifty dollars forfeiture for passing, &c. unlawful notes; how recovered.
4. Preceding section not to affect notes in certain cases.

Be it enacted by the general assembly of the state of Missouri, as follows:

§ 1. No person, unauthorized by law, shall intentionally create, or put in circulation, as a circulating medium, any note, bill, check or ticket, purporting that money will be paid to the receiver or holder thereof, in that it will be received in payment of debt, or in redemption of currency, or medium of trade, in lieu of money.

§ 2. If any person issue, put into circulation, countersign or endorse, or such note, bill, check or ticket, he shall be fined not less than one hundred, nor more than three hundred dollars, and be imprisoned not less than two months.

§ 3. If any person, or company, vend, pass, receive or offer, in payment, any note, bill or other currency, he shall be liable for the same to be recovered by action at law, with costs, to the use of any person who will sue for the same, before the justice of the peace of the county.

§ 4. The preceding section shall not affect any note issued by any bank, authorized by law, in this state, or the United States, except notes for a less sum than one dollar.

Approved, March 19th, 1835.

March 19, 1835

BILLIARD TABLES.

An act taxing billiard tables.

- SEC. 1. County courts to issue licenses for keeping, &c., delivered to the collector.
2. Collectors to grant license; tax on the same.
3. Collectors to be charged with licenses delivered; to settle with county court.
4. Courts to settle with collectors, and certify to the auditor.
5. Penalty for keeping without license.
6. Penalty for permitting minors to play on billiard tables. &c.

Be it enacted by the general assembly of the state of Missouri, as follows:

§ 1. The county courts shall have power to license keepers of billiard tables; at each term, the clerks of said courts shall prepare and deliver to the collectors of their respective counties, as many blank licenses for keepers of billiard tables as the respective courts shall direct; which blank licenses shall be signed by the clerks, and attested by the seal of the court.

§ 2. The collectors shall grant, to any person who may apply for the same, a license to keep a billiard table in their respective counties, for six months, upon payment by the applicant of one hundred dollars, as a state tax, and one dollar a fee to the clerk who issued the same; and the collectors shall countersign all licenses before delivering them to the applicants.

§ 3. The county courts shall charge the collectors with all such blank licenses delivered to them as aforesaid; and, at every regular term, shall settle with the collectors for all such licenses delivered to him, [them] and credit him [them] with the same number of blank licenses which he [they] may return. And at the same time, the collectors shall

to an act, entitled "An act to license foreign
licenses and sales," approved Feb. 20, 1835.

Persons elected to be commissioned, 1848
Tenure of office, after 1840, four years, 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:—

| | SECTION | | SECTION |
|---------------------------------|---------|--|---------|
| ... shall issue blank licenses, | 1 | Tax to be paid on sale of auction, | |
| Collector shall grant licenses, | 2 | Wholesale may be sold without license, | 10 |
| Tax upon licenses, ten dollars, | 10 | | |

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

§ 1. That in addition to the blank licenses authorized to be issued under the provisions of the third section of the act to which this is a supplement, the county court of any county in this State, where there is no regular licensed auctioneer, shall order as many blank licenses authorizing sales at auction for ten days as said county court may deem necessary.

§ 2. The collector of said county shall give to any citizen of said county, upon application, said applicant paying to said collector the sum of ten dollars, and complying with the other necessary provisions of the act to which this is a supplement, one or more such licenses.

§ 3. Every person taking the benefit under the provisions of this act, shall pay the same tax or duty upon the amount so paid and receive no other respect have the benefit, and comply with the conditions and requisitions of the act to which this is a supplement, during the continuance of his, her, or their license; and nothing contained in the act to which this is a supplement

shall be so construed as to prevent any person from using any word or expression, at any place within the State, for any purpose, in connection with the sale, live stock or any agricultural commodity, the growth of the State.

Approved, Feb. 2, 1886.

§ 7. The persons elected shall be commissioned by the Governor, and after the first Monday in November, eighteen hundred and forty, shall hold their offices four years, and until their successors are qualified.

APPROVED, Dec. 30, 1936.

BANK

AN AC T respecting Circuit Attorneys.

AN ACT to Charter the Bank of the State of Mississippi.

SECTION 10.
He shall hold his office for four years.
The Governor shall appoint circuit attorneys.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:—

[illegible]

§ 2. The Governor shall appoint one competent circuit attorney in each of said circuits, who shall hold his office until his successor shall be elected and qualified under a law passed during the present session of the General Assembly.

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Agent to procure plates, &c., 1b
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:—

§ 1. There shall be established in the City of St. Louis, a banking company, to be called "The Bank of the State of Missouri," the capital stock of which shall be five millions of dollars, divided into fifty thousand shares, of one hundred dollars each, one half of which stock shall be reserved for the use of the State, and the other half of said stock shall be subscribed for by individuals in the manner hereinafter prescribed; and the said bank shall continue until the year of our Lord one thousand eight hundred and fifty-seven, and no longer. And by the name and style aforesaid, the holders of said capital stock shall be, and are made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them or their successors or assigns, lands, rents, tenements, hereditaments, goods, chattels and effects, of any nature or quality, to an amount not exceeding, in the whole, five millions of dollars, exclusive of the capital stock aforesaid, and the same to sell, alien, devise, grant, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or any other place whatsoever, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution, such by-laws, regulations, and regulations, as shall seem necessary and convenient for the government and management of said bank; not being contrary to the Constitution and laws of the United States or of this State, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may and lawfully can execute. The said bank shall be governed by a president and twelve directors: the president and six directors to be appointed in October of the State, shall be elected by a majority of the two Houses of the General Assembly, on a joint vote, for the term of two years and until their successors are elected and qualified. The first election shall take place at the present session of the General Assembly; and at every subsequent regular session an election shall be held for president and directors. If any vacancy exist in said number of directors on the part of the State, or in the office of president, during the session of the General Assembly, the vacancy shall be supplied by a joint vote of the two Houses; but if it exist when the General Assembly is not in session, the vacancy shall be supplied by the Governor.

§ 2. Books shall be opened for the subscription of thirty thousand shares of the capital stock of said bank, on the third Monday in January

Thomas Miller, G. W. Miller, Henry Dixon, and M. L. Bolton. At the City of St. Louis, under the superintendence of Hugh O'Neil, Henry Walton, John B. Sarpy, George K. McGunagle, and John O'Ellon. At Columbia, under the superintendence of William H. Duncan, Moses Prewitt, Moses U. Payne, Oliver Parker, and Sinclair Kirtley. At Ste. Genevieve, under the superintendence of Bartholomew St. Gemme, Felix Valle, Joy Lecompte, Augustus St. Gemme, and Peter Dufour. At Calmar, under the superintendence of James P. Shropshire, Sidney P. Haynes, Thomas L. Anderson, William Blakey, and William Campbell. At Fayette, under the superintendence of James Erickson, John J. Lowry, Hampton L. Boone, William T. Ward, and Roland Hughes. At Independence, under the superintendence of Cornelius Davy, Oliver Caldwell, Samuel D. Lucas, Richard Fristoe, and W. W. Kavanaugh. At Liberty, under the superintendence of E. M. Samuel, W. J. Moss, J. M. Hughes, reneup Bird, E. Fitzgerald, and Samuel Tillery. At Potosi, under the superintendence of James M. White, Israel McGready, Peter Smyth, John C. Reed, and Firman Desloge. At Jackson, under the superintendence of John Juden, jr., Thomas Johnson, John Martin, A. H. Brevard, and Welton O'Bannon. At Booneville, under the superintendence of Jacob van, Robert P. Clark, Henry W. Crowther, Charles Johnson, and N. M. Ek. At Troy, under the superintendence of Emanuel Block, Daniel Bailey, G. W. Houston, John W. McKeel, and Valentine J. Peers.—Any two of the superintendents shall be sufficient to perform the duties of their appointments; they shall keep the books, for the subscription open for thirty days, unless the subscription shall be sooner filled, when the same shall be closed. The amount of each share subscribed shall be paid for by the subscriber in gold or silver or in certificates of deposit of gold or silver in the United States deposit banks in New York, Boston, Baltimore, Philadelphia, Pittsburgh, Cincinnati, Louisville, or New Orleans. Any such certificates which are not duly honored, shall not be deemed payment, and the original subscriber, or his assignee, shall be held liable for his subscription of stock, and any profits made thereon shall be paid to the bank as other profits. Said payments shall be made as follows:—one-tenth thereof to the superintendents at the time of subscribing; thirty per cent. more thereof to the same on the first day of April next, and thirty per cent. to the directors on the first of July next, and thirty per cent. to the same on the first of October next; and if any such instalments are not paid at the time prescribed, the person subscribing shall forfeit all the money by him subscribed, if the president and directors think proper.

3. The Governor of Missouri shall subscribe one half of said thirty issued shares on behalf of the State of Missouri, and such number of shares shall be held by the State for the use of the Seminary and Saline funds. The principal and interest of said funds respectively, and residue of said shares shall be held for the use of the State.

4. When the Governor shall be informed by the directors that the bank ready for operation, he shall certify the fact to the Auditor of Public Accounts, who shall thereupon issue his warrant in favor of said bank, upon the assent of this State, for the full amount of the Saline and Seminary fund which may then be in the State treasury.

5. The Governor shall cause to be paid to said bank the principal of the State bonds subscribed on behalf of the State, and the interest thereon, and the residue of the shares subscribed on behalf of the State, in accordance with the provisions of the act in that behalf made.

6. In the third section of this act, after deducting therefrom the amount of the Seminary and Saline funds, to be drawn for and paid to said bank, as is herein before provided; and the Governor shall, at the time of the delivery of the bonds to the bank as aforesaid, ascertain the amount of the principal and interest of the Seminary and Saline funds, due and owing to each respectively, as well as the amount thereof then in the State treasury, and shall certify the same to the president and directors of the bank, whose duty it shall be to set apart so much of the amount received by the bank as aforesaid, for the use and benefit of said Seminary and Saline funds, as will be equal to the amount of each fund so certified to them as aforesaid, by the Governor; said bonds to be signed by the Governor, and countersigned by the Secretary of State, under the seal of the State; the bonds to bear interest as follows: The first half million at a rate not exceeding six per cent. per annum, the remainder at a rate not exceeding five and a half per cent. per annum, payable semi-annually in the city of New York; and if any premium should accrue on the sale of said bonds, the State shall enjoy the benefit of the same; but said bonds shall not bear interest until a loan has been negotiated thereon, nor shall the bank issue or discount any paper on said bonds until a loan has been negotiated thereon, and the proceeds thereof, actually in the possession or under the control of the bank; said bonds shall be made payable to the Bank of the State of Missouri, at the end of twenty-five years after the negotiation. The Governor shall deliver said bonds to the president and directors of the bank, in full payment of the same, subject to the demand of the State.

7. The president and directors on the part of the State, shall appoint an agent on the part of the State, with power to negotiate a sale of five hundred thousand dollars of the State bonds, in any part of the United States, or if necessary, through an agent in Europe; and if a sale of said bonds, in any part of them, shall have been negotiated by said agent, and the same shall commence business, he shall notify the president and directors thereof of the contract for said loan, and the bank shall thereupon take up said bonds, and pass over to the bank the bonds of the State for the same, and if said bonds should not be sold at the time the bank commences business, the said agent shall thereafter be under the superintendence and control of the bank, and may be continued, as agent for the purpose aforesaid, or the bank may in any other manner, or by any other means, be selected to the improvement of the bank, being to market and sell the State bonds then unsold; but such bonds shall not be sold at a discount so as to create a loss on the State bonds. The agent to be appointed as aforesaid, shall be authorized under the direction of the superintendents at St. Louis, to open books for subscription for stock in said bank, in any of the eastern cities or elsewhere, it shall also be the duty of said agent to procure the plates, stationery, and other materials necessary to put the bank into operation as early as practicable.

8. When the twenty days for receiving subscriptions shall have expired, the superintendents at the city of Jefferson, and other places above named, shall forthwith transmit to the superintendents at St. Louis a list of the subscribers with the full amount of the subscription made by them received for which the receipt of a majority of the superintendents at St. Louis shall be a sufficient acquittance. If on examination of the books, the whole amount of the subscription had not been subscribed, and books shall be required again to be given to the subscribers at St. Louis and other places, and the whole amount of the subscription shall be paid to the bank.

subscribed by individuals, the superintendents shall, as speedily as possible, certify to the Governor of the State of Missouri, the amount of all the subscriptions that have been received: *Provided*, That if any part of the fifteen thousand shares to be subscribed for by individuals, be not taken at the end of the one hundred days, as provided for in the seventh section of this act, the same shall be reserved to be disposed of by the bank, in any of the eastern cities, at such times and places as the bank shall deem expedient; and if a premium be made on the sale of said stock, the same shall go to the use of the State.

§ 9. Said superintendents at St. Louis, shall pay over to the directors, when qualified, all the money by them received, in the same money in which it was received, and the directors shall pay the same to the cashier, when he shall have given his bond, and said directors shall give a reasonable compensation to the superintendents for their services and expenses.

§ 10. If fifteen thousand shares be subscribed by individuals when the books shall be opened for that purpose, and the instalments duly paid in said individual subscribers shall be entitled to elect six directors of said bank; and if a less amount be subscribed by individuals, they shall elect a proportionate number of the directors, and the Governor shall appoint the residue of the six on the part of the State, who shall hold their offices until the next session of the General Assembly, and shall then be elected as other State directors: *Provided*, That if five hundred shares of the capital stock be subscribed by individuals, such subscribers shall be entitled to elect two directors: *Provided, also*, That as the stock aforesaid becomes the property of individuals, they shall have power to elect a proportionate number of directors. The number of State directors appointed by the Governor, as provided in this and the fourteenth and thirty-third sections, to be stricken off in proportion, beginning at the bottom of the list.

§ 11. Whenever the second branch of the bank shall be established, the Governor shall subscribe five thousand additional shares, and shall execute and deliver to said bank the bonds of the State, for the amount thereof, in like sums, manner, and amounts, as provided for in the first instance of subscription for the State, at a rate of interest not exceeding five and a half per cent. per annum, and payable at the same time and on the same terms. Five thousand additional shares of stock shall be created at the same time, which shall be brought into market and sold by the directors to individuals, at such times, places, and in such manner and quantities as they shall consider best, and for the highest price that can be obtained; and whatever premium shall be obtained on the sale of such stock, shall be applied to the credit of the State.

§ 12. Upon the establishment of the third branch of said bank, the Governor shall subscribe for five thousand additional shares of stock in said bank, on the part of the State, and shall execute and deliver to the bank the bonds of the State for the like amount, in like sums, manner, and amount, as is provided for in the establishment of the second branch, bearing the same rate of interest, payable in like time, manner, and terms. And at the same time five thousand additional shares of stock in said bank shall be created, which shall be sold by the directors to individuals, on the terms, and in the same manner as before directed to be done on the establishment of the second branch, for the best price that can be obtained, and whatever premium shall be obtained on the sale of such stock, shall be applied to the credit of the State.

§ 13. At any time before the bonds of the State shall have been disposed of by the bank, the State shall be at liberty to pay in said bonds any number of those bonds that it may have funds to liquidate.

§ 14. Whenever it shall be ascertained by said superintendents at St. Louis, that the full fifteen thousand shares have been subscribed, they shall certify that fact to the Governor, to the superintendents at the other places, shall appoint a day for the election of six directors, to be held at some place to be by them appointed, and shall give notice of the same in four public to be the newspapers in the State, requesting all the stockholders to attend for the purpose of entering into said election. The election shall be by ballot, and the six persons receiving the highest number of votes at such election, shall be the directors; stockholders not present may vote by proxy, by giving a written authority for that purpose. If at any time an election for directors should not be made upon any day appointed, the corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election within thirty days thereafter, in manner to be regulated by the by-laws of said bank, or upon a call made by at least ten stockholders, and public notice given thereof. *Provided*, That if at the end of the time for keeping open said books, the whole amount of the fifteen thousand shares is not subscribed for, the said superintendents shall in the same manner, cause an election to be held for the proportionate number of directors, which the individual subscribers shall be entitled to elect, and the superintendents shall also certify to the Governor the number of directors which the stockholders are entitled to elect, who shall thereupon make the appointment of the remainder of said six directors.

§ 15. Said superintendents at St. Louis, shall fix a place, and some day within ten days after the election of the directors, for their first meeting, and shall give notice of the day in four public newspapers, at which time the president and directors shall meet at the place appointed, and shall forthwith organize the bank.

§ 16. The president and directors shall have power to appoint such officers, clerks, agents and servants under them, as shall be necessary for executing and transacting the business of said bank, and to allow them a reasonable compensation, and shall be capable of exercising all such other powers and authorities for the said governing, and ordering the affairs of said bank, as shall be provided by the by-laws, regulations and ordinances of the same.

§ 17. No person holding any office of profit or trust under the government of the United States or of this State, shall be a director or officer of said bank.

§ 18. Said bank shall not commence issuing her own paper, until after seventy per cent. of the stock taken by her subscribers, which is authorized to be subscribed prior to the establishing the second branch as provided by this act, shall be actually paid in, in gold and silver, or certificates of deposit in gold and silver as herein before provided. When said payment shall have been made the president and directors shall notify the Governor of the fact, and thereupon he shall inspect the money paid in, on account of said stock, and then being in the possession of said bank, and shall examine on oath the president, cashier, or other officers of said bank, to ascertain that said stock has been bona fide paid in by the stockholders, and for no other purpose, and thereupon, if the Governor ascertains that said amount of capital stock has been paid in, and actually then in possession of the bank, he shall make proclamation of the same in four newspapers in this State, on the first publication of said proclamation the bank may then commence issues and discounts on her own paper. If from any cause the Governor cannot conveniently make such examination in person he may appoint some other person who shall not be a stockholder to make the same in like manner, and

§ 28. All bills, bonds, notes, and every contract or agreement on behalf of the company, shall be signed by the president, countersigned and attested by the cashier; and the funds of the company shall, in no wise, be held responsible for any contract or engagement whatever, unless the same shall be executed as aforesaid.

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vided, the whole of the private stock shall have been taken; and if the whole of the stock has not been taken, then the directors on the part of the stockholders shall be appointed as aforesaid, in proportion to the stock subscribed; and if but five hundred shares of said stock be subscribed as provided by this charter, the holders thereof shall be entitled to at least two directors, and the Governor shall appoint the residue of the directors. And the president and directors for said branch shall hold their offices for the same time and on the same terms as the president and directors of the mother bank; and the mother bank shall, at the time she commences business as provided in the eighteenth section of this act, set apart and furnish to the president and directors of the branch bank at Fayette, at least one-tenth part of all the capital stock paid in; and the like sum shall be furnished to each branch that may hereafter be established; which shall be increased from time to time, in the like proportion, as the capital stock shall be paid in: *Provided*, That if the money so deposited at any time, shall remain idle for the term of sixty days, the mother bank shall have power to remove such surplus fund to any other branch, or to the mother bank, as will best suit the interest of said bank.

§ 34. The president and directors of the bank shall establish any number of bank agencies, not less than nine nor more than fifteen, under such regulations as they may prescribe; and it shall be their duty to establish one of these agencies in each judicial circuit, not having the parent bank, as soon as practicable after the bank goes into operation. If a branch should be really established at the place where any bank agency is established, the agency shall cease. All future branches shall be organized and governed in the same manner as is provided for in the next preceding section: *Provided*, the said bank shall establish agencies from time to time as new judicial circuits may be organized, giving each circuit one agency.

§ 35. Said bank shall not, at any time, suspend or refuse payment of any of its notes, bills, or obligations, nor of any money received upon deposits in said bank, when demanded by the holder or depositor at the place where the same is made payable, or when deposited in gold or silver; and in case of such refusal, the holder of such note, bill, or obligation, or the person entitled to receive such money as aforesaid, shall respectively be entitled to receive interest from the time of such demand and refusal, at the rate of twenty per cent. per annum until paid.

§ 36. It shall be the duty of the president and directors, as soon as practicable, to make arrangements for the redemption of a portion of the loan in New-Orleans, and also in either Baltimore, New-York, or Philadelphia, and shall make a portion of their notes payable in such places. And said bank may issue bills or notes payable on demand, at either of its branches, or at any bank of respectable standing in any other State of the Union, as the president and directors may deem proper.

§ 37. Said bank shall have power to receive on deposit, or borrow at such rate of interest as may be agreed upon, any sum of money not exceeding five millions of dollars, and the same to loan in bond and mortgage, or deed of trust, on unincumbered real estate, within this State; but no loan on such real estate shall be made in any case for more than three-fourths of the appraised value thereof, exclusive of perishable improvements, for a term not exceeding five years, and at no higher rate of interest than eight per cent. per annum, and the bank may require the principal of such loans to be reduced not exceeding twenty per cent. every year, so as to extinguish the same at or before the end of five years; the interest on all such loans to be paid semi-annually. The value of such real estate shall be determined by an agent appointed by the bank, the branch or agency where the loan is to be made. Said fund thus borrowed or received on deposit, shall be kept separate and

distinct from the capital stock and ordinary funds of the bank, and the accounts of said fund shall not be blended with the other accounts of the bank. And said bank shall be bound to procure, during the existence of the charter, at least one million of dollars within twelve months after said bank commences her issues; and one million more within one year thereafter, if said funds can be procured at an interest not exceeding seven per cent.; which shall be divided out equally between the mother bank, the branch, and the agencies, as directed by the stockholders, and not to be used as provided by this section: *Provided, however*, That if any portion of the fund so allotted to the branch and agencies respectively, shall remain for the space of sixty days idle and unproductive, the president and directors of the mother bank shall have power to transfer such idle and uninvested portion of said fund to such of the other agencies, branch, or to the mother bank, as can profitably and securely invest the same in the manner hereinbefore provided: *And provided also*, That it shall not be lawful for the mother bank to suffer any portion of the fund herein provided to be loaned out until the agencies herein provided for are located, and have commenced the transaction of business.

§ 38. In consideration of the privileges granted by this charter, the bank agrees to pay to the State, annually, one-fourth of one per cent. on the amount of the capital stock paid in by the stockholders other than the State, which shall be in full of all bonus and taxes to be paid to the State by the bank.

§ 39. The bank may issue bills of the following denominations, viz: of 10, 20, 50, 100, 500, and 1000 dollars; but shall not issue any bill of less denomination than ten dollars.

§ 40. The directors shall keep fair, regular minutes of their proceedings, and on any question, where a majority of such majority shall be required, the members voting shall be duly entered.

§ 41. The cashier and other officers of any branch, shall be appointed by the president and directors, and shall give security in like manner as the president and other officers of the mother bank.

§ 42. The bills and notes of said bank originally made payable, or payable on demand, in gold or silver coin, shall be received by all payments to the State Treasury and the public moneys of the State, as well as of all other any organization for the purposes, and by which the State may be a party, over and above the ordinary currency of the State, which shall be constantly deposited in said bank or its branches, whenever being active, so long as said bank shall continue to redeem its notes in gold or silver on presentation. Said bank shall also act as the fiscal agent of the State, when required, and shall, when required, negotiate all loans for the State, either in Europe or America, on the most advantageous terms that can be obtained, without charge; and shall, also, when required, transfer the funds of the State from one part of the State to another, wherever there is a branch or an agency, without charge for the same. Whenever the State shall see proper to deposit any money in said bank, the bank shall pay interest on the same at the rate of six per cent. per annum: *Provided*, That the special deposits, or deposits for a less time than twelve months, or funds which the bank may have to remit from one part of the State to another, shall not be charged with any interest.

§ 43. The bank shall, semi-annually, furnish to the Governor a statement of all the affairs of the bank, detailing all its expenses, and a full and complete list of all the assets, also, a general exhibit of its affairs, except the private accounts of the stockholders, stating the aggregate amount of the capital stock paid in, the funds on deposit, the amount of the loans, and the amount of the money on loan, and the notes and obligations of the bank, and the money on deposit.

panies in such cases: *Provided*, That no subscription shall be reduced for a less number than ten shares, so long as any subscription of a larger number is in the books.

§ 58. If any vacancy occur among the directors appointed by the private stockholders, such vacancy shall be filled by the other directors on the part of the private stockholders, and the person thus appointed shall hold his office until a general meeting of the stockholders shall be held.

§ 59. The president and directors on the part of the State shall have power, immediately after their appointment, to take the necessary steps to endeavor to negotiate and purchase the debt which may be due to the agency of the Commercial Bank of Cincinnati, at St. Louis; and said purchase shall be made on such terms as to them may seem most to the interest of the bank; and they shall have power to open a negotiation with the Secretary of the Treasury of the United States, or other officer thereof, for the receiving and disbursing of the revenue of that government; and it shall be the duty of the president and directors, on the part of the State, to continue to manage the debt so purchased, as aforesaid, according to the usages and customs of banks, until the time of the organizing of said bank according to this act, and for the purposes aforesaid, and to the extent of said debt; the said president and directors, on the part of the State, shall, and may exercise all the powers in this act given to the whole board of directors.

This act to take effect from its passage.

Approved, Feb. 2, 1837.

BANK AGENCIES.

AN ACT to prevent Foreign Banking Companies from setting up Agencies or transacting Banking Business within the limits of this State.

| | |
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| Persons prohibited from setting up agencies of foreign banks. | Section. |
| That no foreign banking agencies shall be erected in this State. | 1 |
| Officers required to give information of violations of this act. | 2 |
| This act shall not apply to persons dealing on their own responsibility. | 3 |
| Each office, during which bank agencies are kept open, shall constitute a branch office. | 4 |

BE ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSISSIPPI, AS FOLLOWS:

§ 1. It shall not be lawful for any person, association of persons, or body corporate, not having a charter for the purpose from this State, nor the agent of such person, association of persons, or body corporate as aforesaid, to keep any banking house, room, agency, shop or office, office of discount and deposit, or of discount only, or of deposit only, or any agency, room, house, or office, for the purpose of carrying on any kind of banking, or operations which banks incorporated by this State, are or may be authorized by law to carry on, or as the agent of any foreign banking company, to deal in any manner in the buying or selling of bills of exchange, checks or drafts, or by the means of agents, agencies, banking-houses, room, shop or office, office of discount and deposit, or of discount only, or of deposit only, to issue, emit, circulate, lend, pass or pay, or tender in payment any bills of bank incorporated or unincorporated foreign banks or banking companies by whatever name they may be called: *Provided*, That this act shall not be construed to extend to the general agent of a foreign bank in relation to bills of

exchange and promissory notes: *And provided, also*, That this section shall not be so construed as to inflict a penalty on any person who may pass or offer to pass any bank bill on any foreign bank.

§ 2. If any person or persons, association of persons, or body corporate, or agent of any foreign bank, or the agent or person acting as the agent of such person or persons, association or body corporate, or foreign banking company, shall violate the foregoing provisions, every such person or persons, or the agent of such person or persons, association, or body corporate, or foreign banking company, shall forfeit and pay the sum of one thousand dollars, to the use of the State, to be recovered by indictment, or a penalty may be recovered by action of debt in any court having jurisdiction thereof, in the county where the offence happened, one half to the use of the informer, and the other half to the use of the State. And it shall also be the duty of every judge, sheriff, justice of the peace, mayor, constable, or any other public officer of this State, to give information to the grand jury when they know or have satisfactory information of any violation of the foregoing provisions of this act; and for a failure, shall, upon conviction, be adjudged guilty of a misdemeanor in office, and dealt with accordingly: *Provided*, this act shall not apply to persons dealing on their own responsibility, and who are not connected in any manner with any foreign bank or banking company.

§ 3. Every day during which or during any part of which, such prohibited banking-house, room, shop, agency or office, is kept open, or such prohibited business, or any of it transacted therein, shall constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty of one thousand dollars as aforesaid.

§ 4. No bond, bill or note, or other instrument of writing, executed after the taking effect of this act, containing the signature of any natural person or persons, or any foreign banking company, printed or located, or otherwise authenticated within the State, or transmitted to any agent of a foreign banking company, or its agent or any foreign banking company as aforesaid, whatever such bond, bill or note, be made payable to said foreign banks or the agent of said foreign banks, or for the mutual benefit of said bank, or to and agent or any other person, either directly or indirectly, for the use and benefit of said bank, in whatever name or form the same may be drawn, shall be taken or held as entirely void and of non-effect, and the person or persons, or other person, jointly or severally, or their legal representatives, may, after the expiration of the general term of six months for whose use or benefit said bond, bill or note was given, and whether the same was given for money loaned or advanced, or for checks, drafts, or bills sold and delivered by said foreign bank, or by the agent, or person holding himself out as such agent, or by any other person, for the use and benefit of said foreign banking company, and also under said issue, the parties aforesaid shall be allowed to prove the agency of said agent, or that the acts of any other person in the premises, was for the use and benefit of said bank, and if the issue be found for the person setting up such defiance, judgment shall be entered up in his or their favor, which shall be a complete bar to the recovery of said bond, bill or note, or any part thereof.

§ 5. The parties on the trial of the case aforesaid, shall be entitled to a discovery by the other party, in the same manner, and under the same rules and regulations, and with like effect, as is provided in the fourth article of an act, entitled "An act to regulate practice at law," approved, March 17th, 1835, in cases where either party is entitled, by said act, to a discovery from the other upon any issue found.

It shall be the duty of the

send from without the limits of this State, to be deposited with, or in the hands of any agent or other person within the limits of this State, any money, bank notes, or other evidences of money, for the purpose of dealing in bills of exchange or checks, drafts, or in any other manner doing banking business therewith; and if any person contravene the provisions of this section, they shall forfeit the amount so sent, or deposited, or lent, to the person receiving the same, or to any other person who will sue for the same in any court having jurisdiction to adjudicate on the amount so sued for. This act to take effect and be in force from and after its passage, with regard to all agencies, except the agency of the Commercial Bank of Cincinnati, and shall take effect on that agency from and after the first day of June next.

APPROVED, Feb. 6, 1837.

BOUNDARIES.

AN ACT to survey and mark out the northern boundary of the State.

| Section | Section |
|--|---|
| 1 The Governor shall appoint commissioners, who shall not regard constitutional amendments passed at session eight, | 1 the Territory of Wisconsin, The Governor may request an Engineer of the United States, The Governor shall direct commissioners to act, when, The commissioners to act with other commissioners, |
| 2 Oath shall be certified to Secretary of State, Engineers may be appointed, Instruments may be procured, Chain-carriers, markers, and assistants may be employed. | 2 If the U. S. and Territory of Wisconsin appoint no commissioners for six months, the Governor shall appoint commissioners on the part of the State and send a report before the next General Assembly. |
| 3 Powers and duties of commissioners, Commissions shall be certified, Commissioners shall ascertain the rapids of the Des Moines. | 3 Secretary of State shall fill the report before the next General Assembly. |
| 4 When and report shall be made out, Power to administer oaths, The Governor may request the appointment of commissioners on the part of the U. S. and | 4 Account of expenses shall be kept, Appropriation to pay expenses \$4,000, Vacancies shall be filled by the Gov. |

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

§ 1. The Governor, by and with the advice and consent of the Senate, shall nominate and appoint three commissioners to ascertain, survey, and establish the north boundary line of this State, and ascertain the point of the commencement or termination thereof, as the same is fixed and described by the Constitution of this State, and the act of Congress of the sixth day of March, 1820; and the act of Congress, approved the 7th of June, 1836; but said commissioners shall not take into their consideration or examination the provisions of the fifth section of the amendments of the Constitution, passed at the eighth session of the General Assembly.

§ 2. The commissioners appointed by this act, shall, before entering upon the duties of their office, take and subscribe an oath, faithfully to discharge the duties imposed on them by this act, which shall be certified to the Secretary of State. They shall have power to employ one competent, skillful engineer; and procure all the necessary instruments for the execution of the requirements of this act; also, to employ a suitable number of chain-carriers, markers, and other assistants and equipages necessary for the proper discharge of their duties.

§ 3. The commissioners shall have the control of the engineer and all other persons employed by them; they shall, by astronomical observations, ascertain the true latitude and longitude of the eastern point of termination of the north line of this State in the rapids of the River Des Moines, and

thence passing west with the same parallel of latitude, to the point where the same strikes the Missouri river; and shall ascertain by the same means, the true latitude and longitude of the same point last aforesaid; they shall, at the points of commencement and termination, ascertain by astronomical observation, or otherwise, the true position, bearing, distance, and location of any prominent or permanent objects in the vicinity of the points aforesaid, permanently mark the same, and all other information which may in all time to come, most contribute to the certain ascertainment of said points of commencement and termination. On the first solid ground on the margin of said river, and at proper intervals along said line, not to exceed five miles apart, they shall cause to be erected mounds of stone or earth, at least eight feet long and five feet wide at the base, and five feet high, to be placed lengthwise on said line, the line passing through the centre of the same; they shall also deposit in the centre thereof, a peck of charcoal.

§ 4. It shall be lawful for the commissioners to make all necessary examinations of the Des Moines river, so as to ascertain the true location of the rapids of said river.

§ 5. They shall cause a map and report to be made out of all the observations, measurements, surveys, and examinations made by them with a particular note of the position and location of all prominent objects and the marks thereon, at the point of commencement and termination, or along the line, and return the same to the Secretary of State.

§ 6. The commissioners shall have power to administer an oath to the engineer, chain-carriers, markers, flag-bearers, or other assistants; and it shall be the duty of such persons to take and subscribe an oath, faithfully to discharge their duties in making the said survey. *Provided*, That if the engineer shall all be provided by the United States, he shall not be required to take said oath.

§ 7. The Governor of this State shall be authorized to open a correspondence with the President of the United States, and with the Governor of the Territory of Wisconsin, and request the appointment of commissioners to act in conjunction with the commissioners on the part of this State. And the Governor shall be authorized to request the services of an engineer from the Department of civil engineers of the United States, for the purpose aforesaid.

§ 8. Whenever it shall be known to the Governor of this State, that one or both of the governments have appointed commissioners for the purposes aforesaid, he shall direct the commissioners on the part of this State to meet and act in conjunction with the commissioners appointed by the other parties. The commissioners of this State shall be authorized to act in all things in conjunction with the other commissioners.

§ 9. If the United States and the Territory of Wisconsin shall fail or refuse to appoint commissioners for the space of six months after the passage of this act, the Governor shall notify the commissioners appointed by this act of that fact, and they shall immediately proceed to discharge their duties under this act.

§ 10. The Secretary of State shall lay before the next General Assembly, for its adoption or rejection, the report and proceedings of the commissioners aforesaid, or of any two of said commissioners.

§ 11. The commissioners under this act shall be allowed the sum of four dollars per day, for every day by them necessarily spent in the discharge of their duties. They shall keep an accurate account of all expenses incurred by them under this act, and when the same shall have been audited and allowed by the Auditor of Public Accounts, the same shall be paid out of the State Treasury.

and impose a tax on licenses and sales, shall be in force from and after its passage.
(This act shall be in force from its passage.)

Approved, Feb. 8, 1839

BANK.

AN ACT to establish a second Branch of the Bank of the State of Missouri.

Sec. 1. Branch of the Bank established.

- 1b. Election and appointment of President and directors of branch.
- ib. Appointment of directors regulated.
2. Tenure and term of officers.
3. When and what amount of the capital stock of the Bank shall be furnished to the branch.
4. When President and six directors shall be elected.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There is hereby established a Branch of the Bank of the State of Missouri, to be located at Palmyra, in the county of Marion, with four Directors and a President, on behalf of the State, to be elected by the General Assembly in the same manner as is provided in the first section of "an act to charter the Bank of the State of Missouri" for the election of president and directors on the part of the State, for the parent bank; and four directors for said branch for the private stockholders, to be appointed by the directors of the stockholders for the mother bank: *Provided*, the whole of the private stock of said bank shall be taken; and so long as the whole of the private stock shall not be taken, the directors, on the part of the stockholders, shall be appointed as aforesaid in proportion to the stock subscribed. But the holders of the private stock, stock at all events, be entitled to the appointment of two directors of said branch.

§ 2. The president and directors of said branch shall hold their offices for the same time, and on the same terms, as the president and directors of the mother bank.

§ 3. So soon as said branch shall be organized, said bank shall set apart and furnish to the president and directors of the branch at Palmyra, at least one-tenth part of all the capital stock paid in, which shall be increased, from time to time, in like proportion as the capital stock shall be paid in; but if the money so deposited shall, at any time, remain idle for the term of sixty days, the president and directors of the principal bank, shall have power to remove such surplus fund to any other branch, or to the principal bank.

§ 4. A president and six directors, on the part of the State, shall be elected for said branch, during the present session of the General Assembly.

This act to take effect from its passage.

Approved, Jan. 17, 1839

BANK.

AN ACT amendatory of an act entitled "an act to charter the Bank of the State of Missouri," approved, February, 2, 1837.

- Sec. 1. The Governor shall withdraw from the bank the unsold State bonds, and execute the following:
2. Interest of said bonds.
 3. In what currency and places said bonds shall be payable.
 4. Faith and credit of the State pledged for the payment of certain deposits in, and to said bank.

5. Loans of a certain fund limited to \$5,000.
- ib. Preference given to smaller loans.
- ib. Part of former law repealed, and bank authorised to retain a certain portion of the nett profits.
7. Bank authorised to pay interest for the State.
8. Bank authorised to receive a premium on inland bills of exchange.
9. Duty of State to pay interest punctually.
9. Bank authorised to mortgage &c. State bonds.
11. Books of subscription to be re-opened.
12. For what time books shall be kept open.
- ib. After that time, duty of Treasurer and Governor.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The Governor shall, immediately upon the passage and taking effect of this act, withdraw from the Bank of the State of Missouri all the bonds of the State, issued in conformity with the act of which this is amendatory, which have been delivered to said bank, in payment of the stock in said bank subscribed for the State, and which remain unsold, and in lieu thereof, he shall execute to said bank the bonds of the State for the same amount in the manner prescribed by the act of which this is amendatory.

2. The bonds issued in pursuance of the provisions of the preceding section, shall bear interest at the rate of six per centum per annum, payable semi-annually.

3. The principal and interest of said bonds shall be payable in the city of London in England, or elsewhere, in sterling currency, Francs or Guilders as said bank shall deem advisable.

4. The State of Missouri hereby guarantees the payment of all sums, which shall be received on deposit, or borrowed by said bank under the provisions of the thirty-seventh section of the act of which this is amendatory; and the payment of all such sums so received on deposit, or borrowed by said bank, the faith and credit of the State is hereby pledged.

5. No person or company shall ever be accommodated, either directly or indirectly, out of the fund raised and set apart by the thirty-seventh section of the act of which this is amendatory in a larger sum than five thousand dollars; and all applications for small loans shall have preference to larger ones, unless such can be granted, subject, however to such by-laws and regulations, as the president and directors of the bank may from time to time establish, not inconsistent with the provisions of this act.

6. So much of the thirty-second section of the act of which this is amendatory, as requires the bank to make semi-annually dividends of the entire nett profits of the bank, is hereby repealed, and the said bank is hereby empowered to pay aside, to be deducted from the nett profits of the bank, one per cent. on the amount of capital stock actually paid in, at the time of declaring each annual dividend.

7. The bank is hereby empowered to pay all interest that has accrued or hereafter accrue upon the bonds of the State, now sold or hereafter to be sold, and to deduct the amount of such interest from any dividends accruing to the State, on account of the stock in said bank owned by the State.

8. Said bank and its branches shall have power to demand and receive reasonable rates of premium on inland exchange, drawn and made payable within the State.

9. It shall be the duty of the State punctually to pay the interest which has accrued, or may hereafter accrue, semi-annually, on the State bonds which have been or may hereafter be issued, on account of, or in payment of the stock in said bank owned by the State.

10. The bank is hereby authorised and empowered to mortgage, pledges,

or in any manner hypothecate the bonds of the State, which shall be extended and delivered to said bank, in payment of stock as aforesaid.

§ 11. Books of subscription for the remaining shares of the capital stock of said bank, which have not been subscribed for, shall be re-opened on the day of June next, at the different places designated in the second section of an act of which this is amendatory, under the superintendence of such persons as shall be designated by said bank.

§ 12. The books of subscription mentioned in the preceding section shall be kept open for twenty days, at the end of which time, it shall be the duty of the Treasurer of the State to subscribe for, on account of the State, within the amount of stock shall then remain unsubscribed. And the Governor shall immediately thereupon execute, issue, and deliver to the bank, in full payment of the stock so subscribed, the bonds of the State; in the manner and form, and with the provisions herein before expressed.

BANK.

AN ACT amendatory of an act entitled "an act amendatory of an act to charter the Bank of the State of Missouri," approved February 2, 1837.

- Sec. 1. When the State bonds (in lieu of those unissued) are authorized to be issued.
 2. Said bonds thus issued, declared to be valid.
 3. Date of taking effect of this act, and of the act of which this is amendatory.

Be it enacted by the General Assembly of the State of Missouri as follows:

§ 1. That the provisions contained in the first and second sections of an act of which this is amendatory, be so extended, as to authorize the issuing of the bonds upon the going into operation of the second branch of said bank, so that all bonds issued conformably thereto, bearing six per cent. interest, shall be payable in manner and form as provided in said act, shall be valid, to all intents and purposes.

§ 2. This act, together with the one therein referred to, shall be in full force from and after its passage.

Approved, Feb. 12, 1839.

BANK.

AN ACT supplementary to "an act amendatory of an act to charter the Bank of the State of Missouri," approved, Feb. 2, 1837.

- Sec. 1. At what time a former act shall take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The act approved February 2th, 1839, entitled, an act amendatory of an act to charter the bank of the State of Missouri, approved February 2, 1837, shall take effect, and be in force from and after the 15th day of February 1839.

This act to take effect from its passage.

*Approved Feb 12, 1839.
 Passed Feb 12, 1839.*

BOATS AND VESSELS.

ACT supplementary to an act entitled, "act to provide for the collection of demands against Boats and Vessels."

1. On what account there shall be a lien on boats and vessels.
2. Proceedings because of a release of any boat or vessel.
3. By whom, and on what account, a vessel may institute suit.
4. Lien created in favor of boats and vessels.
5. On what account joint owners may sue.
6. In what cases joint owners may institute a suit against a boat or vessel.
7. Proceedings under the act repealed.
8. Date of taking effect of this act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There shall be a lien on every boat or vessel used in navigating the waters of this State, in the following cases:

1. For all wages due to the hands or persons employed on board of the same on account of work done or services rendered on board of such boat or vessel.

2. For all debts contracted by the master, owner, agent or consignee of such boat or vessel on account of stores and supplies furnished for the use thereof.

3. For all materials furnished and labor done by mechanics, tradesmen and others in the building, repairing, fitting out, furnishing and equipping such boat or vessel.

4. For all sums due for the wharfage or anchorage of such boat or vessel; for all demands or damage accruing from the non-performance or mal-performance of any contract of affreightment, or of any contract tending the transportation of persons or property, entered into by the master, owner, agent or consignee of such boat or vessel, and for all injuries done to persons or property on such boat or vessel.

§ 2. Whenever any boat or vessel shall have been released by the master, owner, agent, or consignee thereof giving bond to the plaintiff as provided in the sixth section of the act to which this is a supplement, and judgment shall be rendered against such boat or vessel, by any court having jurisdiction of the case, it shall be the duty of said court to enter up judgment also, at the same time, against the security in such bond.

§ 3. All such boats or vessels may institute suit by name, through the master, owner, agent, or consignee thereof, for, and on account of all freights due to such boat or vessel, money advanced, and other necessary charges and expenses incurred by and due to such boat or vessel, in receiving, transporting and shipping of merchandize, produce, and other articles transported on board of such boat or vessel, and shall have a lien on such merchandize, produce and other articles, for the payment thereof, but no such lien shall be extended to, or bind upon said merchandize, produce or other articles so shipped or transported, unless the same shall have been delivered by the master, owner, agent, or consignee of said boat or vessel, and removed therefrom.

§ 4. It shall and may be lawful to, and for one or more joint owners of any boat or vessel, navigating the waters of this State, to institute and maintain a suit in any circuit court in this State, in which such boat or vessel may be seized, by name, for all demands of money due to him or them, for and on account of such boat or vessel, whether for repairs, supplies furnished, or money advanced, or other cause of indebtedness whatsoever.

§ 5. No such suit shall be commenced by one or more joint owners of a boat or vessel, against the same, for any demand whatever, only, [when] the person or persons instituting such suit shall have duly notified all the owners of such boat

Feb 11, 1841

COUNTY COURT—BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY—THEIR ORGANIZATION AND FUNCTIONS.

AN ACT AMENDATORY OF THE ACT, ENTITLED "AN ACT TO ESTABLISH COURTS OF RECORD, AND PRESCRIBE THEIR POWERS AND DUTIES," APPROVED 7TH MARCH, 1835.*

1. The county court of St. Louis county to consist of seven justices: the mode of their election, and tenure of their offices prescribed.
2. Jurisdiction of said court.
3. The governor shall appoint the county justices until the election.
4. Compensation of said justices.
5. Certain laws made applicable to the organization, &c., of this court.
6. A probate court established in St. Louis county, to be held by one judge who shall be elected; election how held and certified; vacancies in office of judge; how filled.
7. Qualifications of judge of probate; his compensation.
8. Powers and jurisdiction of said court.
9. Certain laws made applicable to the Probate Court.
10. Election for said judge when to be held.
11. Seal of court to be obtained. Judge may use his private seal, and keep the records of the court.
12. Certain writs, &c., removed into this court from the county court of St. Louis county.
13. Powers of said court.
14. Terms of the probate court prescribed.
15. Certain writs and processes made returnable to this court.
16. For misconduct in office, the judge of probate may be removed.
17. Where the office of judge of probate to be kept; contingent expenses of office to be paid by the county.
18. Date of effect of this act.

*pro Act
says nothing
about auditors
warrants*

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the County Court of the county of St. Louis shall here-

* Sess. Acts 1841, p. 54. After the adoption of the constitution of the State of Missouri, the organization of county courts was first provided for by the act of November 25, 1820 (Sess. Acts 1820, p. 41.) Under this act those courts had jurisdiction of all matters of county concern, and also probate jurisdiction, &c. By the act of January 7, 1825, the jurisdiction was divided and distributed between county courts and probate courts. (R. C. 1825, p. 268.) By the act of January 2, 1827, the probate courts thus established were abolished, and the jurisdiction in matters of probate granted to the county courts. (Sess. Acts 1827, p. 18.) For statutes passed prior to the year 1835, bearing upon the jurisdiction of the county courts in matters of county concern, see the acts above cited; also R. C. 1835, pp. 155, 156; R. C. 1845, pp. 330, 331, 332; R. C. 1855, p. 553. For other acts with respect to the functions, &c., of the county court as a tribunal for the transaction of county business, see Sess. Acts 1829, p. 18; Sess. Acts 1831, pp. 14, 163; Sess. Acts 1833, p. 79; Sess. Acts 1857, adj. Sess., p. 179; Sess. Acts 1842, p. 252; Sess. Acts 1849, p. 447.

*Check
source
of this
law
to be
published*

*Laws of Missouri applicable to St. Louis
County June & Martin St. Louis 1861*

AUTHORITY FOR 1841 COUNTY OF ST. LOUIS
ISSUE

after consist of seven justices, to be styled the justices of the county court, one of whom shall reside in Bonhomme township, one in Carondelet township, one in Central township, one in Meramec township, one in Florissant township, and two in St. Louis township, in the county of St. Louis, at the time of his appointment, any three of whom shall be a quorum to do business, but a smaller number may adjourn from day to day, and require the attendance of absent members. They shall be elected by the qualified electors of the county of St. Louis, at such time and manner as is now provided for the election of justices of the county court. The justices of the county court of the county of St. Louis shall hold their offices for the term of four years, and until their successors are duly elected and qualified. The election shall be certified, ties determined, and vacancies filled, in the same manner as now provided by law in regard to justices of the county court.

§ 2. The county court of the county of St. Louis shall have and possess the following powers:

First. To have the control and management of the property, real and personal, belonging to the county.

Second. To have full power and authority to purchase or receive, by donation, any property, real and personal, for the use and benefit of their county.

Third. To sell, and cause to be conveyed, any real estate, goods or chattels belonging to their county, appropriating the proceeds of such sale to the use of the same.

Fourth. To audit and settle all demands against the county.

§ 3. All other powers vested in the county court of the county of St. Louis, by and under the act, entitled "An act to establish Courts of Record, and prescribe their powers and duties," approved 7th March, 1835, shall be, and the same is hereby vested in the probate court hereby established.

§ 4. The Governor, by and with the advice and consent of the Senate, shall appoint the four additional justices of the county court of the county of St. Louis created by this act, who shall hold their offices until the election of justices of the county court of the county of St. Louis, and until their successors are duly elected and qualified; one of the four, at the time of his appointment, shall reside in Florissant township, one in Bonhomme township, one in Meramec township, and one in St. Louis township, in said county. That, for

~~AN ACT to amend an act concerning Attorneys at Law.~~

~~Be it enacted by the General Assembly of the State of Missouri, as follows:~~

~~§ 1. That any Circuit Court of this State, or Judge thereof, may, and he is hereby authorized to grant license to practice as Attorneys at Law or Solicitors in Chancery, under the same provisions, and with like effect, as the Supreme Court and Judges thereof are now, by law, authorized to grant such license.~~

~~Approved Feb. 16, 1841.~~

BANK.

~~AN ACT amendatory of an act, entitled "An act to charter the Bank of the State of Missouri," approved 2d February, 1837.~~

~~Be it enacted by the General Assembly of the State of Missouri, as follows:~~

~~§ 1. That the following propositions be, and the same are hereby submitted to the private stockholders of the Bank of the State of Missouri:~~

~~First, That the thirty-fourth section of the act, entitled "An act to charter the Bank of the State of Missouri," approved 2d February, 1837, be repealed.~~

~~Second, That the thirty-seventh section of the act, entitled "An act to charter the Bank of the State of Missouri," approved 2d February, 1837, be repealed.~~

~~§ 2. If the private stockholders of the Bank of the State of Missouri, at a meeting to be called as hereinafter provided for, shall, unanimously approve of, and assent to, both or either of the said propositions hereby submitted to them, on such approval and assent being by them certified to the department of State, the said propositions, or either of them, as may be so approved and assented to, shall take effect accordingly, and the said section or sections, the repeal of which may be by them approved and assented to as aforesaid, shall be repeated from and after such approval.~~

~~§ 3. The private stockholders of the Bank of the State of Missouri shall meet in person, or by proxy, at the banking house in the city of St. Louis, on the first Monday of July next, and then and there take into consideration the foregoing propositions; and if they, or either of them, be unanimously approved and assented to, they shall certify such approval to the department of State; and the Secretary of State shall file the same with the original roll of the Bank charter.~~

~~This act to take effect from and after its passage.~~

~~Approved Feb. 15, 1841.~~

BANK.

~~AN ACT to establish a third branch of the Bank of the State of Missouri.~~

~~Be it enacted by the General Assembly of the State of Missouri, as follows:~~

~~§ 1. There shall be, and is hereby established a third branch of the Bank of the State of Missouri, to be located at Jackson, in the county of Cape Girardeau, in conformity with the provisions of an act, entitled "An act to charter the Bank of the State of Missouri," approved February 2, 1837, to go into operation as hereinafter provided.~~

~~§ 2. The President and Directors of the Bank of the State of Missouri shall furnish to said branch the proportion of capital stock belonging to said branch in conformity with the provisions of the act aforesaid, and paid in, shall be increased one-fourth part by any means whatever, or sooner, should they deem it advisable.~~

~~§ 3. It is hereby made the duty of the President and Directors of the mother bank, when said additional stock shall have been paid in, or they shall deem it advisable, as aforesaid, to notify the Governor thereof, who thereupon shall appoint a President and six Directors, on the part of the State, for said branch, and the Directors of the mother bank, on the part of the private stockholders shall appoint two Directors for said branch, on the part of the private stockholders and the Directors of the mother bank, on the part of the private stockholders.~~

~~§ 4. The President and Directors for said branch shall hold their offices to the same time, and on the same terms, as the President and Directors of the mother bank, and shall exercise the powers and duties.~~

~~§ 5. That so soon as the Directors of said branch shall have organized, a thereupon shall immediately furnish said branch the quota of capital coming to it as aforesaid.~~

~~§ 6. Said branch, hereby established, shall have all the benefit of the act in far as the same are in any way applicable.~~

~~This act shall take effect, and be in force, from and after its passage.~~

BANK.

~~AN ACT supplementary and explanatory of an act, entitled "An act to establish the third branch of the Bank of the State of Missouri," approved February, (6th) 1841.~~

~~The President and Directors of the Branch bank at Jackson shall not hold their offices longer than the regular meeting of the next General Assembly.~~

ceeding thirty thousand dollars, one hundred and seventy five dollars; over thirty thousand and not exceeding fifty thousand dollars, two hundred and fifty dollars; over fifty thousand and not exceeding seventy-five thousand dollars, three hundred dollars; over seventy-five thousand and not exceeding one hundred thousand dollars, three hundred and fifty dollars; over one hundred thousand and not exceeding one hundred and fifty thousand dollars, four hundred dollars; over one hundred and fifty thousand and not exceeding two hundred thousand dollars, four hundred and fifty dollars; over two hundred thousand and not exceeding three hundred thousand dollars, five hundred dollars; over three hundred thousand dollars, six hundred dollars.

§ 3. If any money broker or exchange dealer violate the first section of this act, he shall forfeit and pay to the use of the county, wherein such violation shall be committed, the sum of two thousand dollars, to be recovered by indictment. *Provided always, the occasional dealing in money, or exchange, unless the same is done as a business, shall not be considered and held a violation of said first section.*

§ 4. The form of licenses, and manner of using them under this act, shall conform, so near as may be to, the law authorising licenses to vendors of Merchandise, and the tax shall be accounted for in like manner.

§ 5. There shall be levied and collected of all money brokers, and exchange dealers, in addition to the tax on licenses, an advalorem tax on all bills of exchange, notes, bonds, and other securities and on all money on hand, taken, kept or negotiated in their business as such, other than what is the property of citizens of the State except themselves; and of all other persons citizens of this State an advalorem tax on all moneys loaned at interest to citizens of this State, and on all bills of exchange, notes, bonds and other securities, purchased in way of brokerage, or dealing in money or exchange within this State; and of all incorporations in this state an advalorem tax on all property owned by them, over and above their capital stock, and on all money held by them in trust for persons or corporations, other than citizens or corporations of this State, and used in trade for the benefit of such persons or corporations, and on all stock or interest held in any steam boat.

§ 6. The advalorem tax under this act, and the mode of assessing and collecting the same, except as may be otherwise provided; shall be the same as prescribed by the act, entitled "an act to provide for levying, assessing and collecting the revenue," approved 14th March 1835; and the several acts amendatory and supplementary thereto.

§ 7. Hereafter persons owning shares of stock in banks, and other incorporated companies, which shares are taxable, shall not be required to deliver to the assessor a list of the same; but it shall be the duty of the President or other chief officer of any trust or other incorporated company, the shares of which are taxable, to deliver to the assessor, a list of all shares of stock in said company; and, in default of doing so, such President or other chief officer shall incur a penalty of one thousand dollars, to be recovered before any court having jurisdiction of the same, by indictment.

§ 8. The tax assessed on shares of stock embraced in the list required by the above section, shall be paid by the incorporations respectively; and they shall be entitled to have and recover from the owners of the shares on which they may pay the tax, the amount paid by them on the shares respectively, to be deducted from the dividends on such shares or otherwise; and the amount of tax so paid shall be a lien on such shares respectively, and shall be paid on any transfer of such shares can be made.

§ 9. If any corporation shall fail to pay the tax due on shares of stock in

such corporation, the collector shall have power to sell such stock in the same manner and under the same restrictions, as he is now authorised to sell goods and chattels.

§ 10. It shall be the duty of the cashier, secretary, or chief clerk of such corporation, on the request of the collector to furnish him with a certificate under his hand, stating the number of shares held in the stock of such corporation, with the incumbrances thereon; and the collector, on obtaining such information, or in any other manner, may levy on such rights and shares and sell same, as provided in next preceding section, and, on such sale, the purchaser shall be admitted to all the rights, powers and privileges, as the holders of such shares, at the time of testing (levying on) the same, and shall be entered by such corporation in their book, as owners of such shares; any violation of the provisions of this section, shall subject the corporation to a penalty of one thousand dollars, to be recovered by action of debt in any court having jurisdiction of the same, in name of collector, authorised to collect the tax assessed, or any other person ordered by such violation.

§ 11. The selling of lottery tickets shall be considered a distinct business from that of a money broker, and no person shall vend lottery tickets, without first obtaining a license from the clerk of the county court, in which said tickets are proposed to be sold, which license shall be for the period of six months, and shall only authorise the sale of lottery tickets at one place. The tax upon each license shall be one hundred dollars, to be paid to the collector, but such license shall not authorise the sale of the tickets of any lottery except the tickets of the two lotteries which are expressly authorised by the laws of this State.

This act to take effect from and after its passage.

APPROVED Feb. 15, 1841.

REVENUE.

AN ACT supplementary to the several acts providing for the levying, assessing and collecting the revenue.

| Section | Section |
|---|--|
| The collection of the revenue in the territory is duplicate between Missouri and Iowa, and is hereby divided. | If the boundary line, claimed by Missouri, be recognised, the collection of the taxes to proceed as usual. |
| The time on which said suspension shall take place. | Governor to employ counsel to defend the suit of the former collector of Clark county, for false imprisonment. |
| It is to be allowed the collectors for the tax due from said territory. | \$1500 appropriated for this purpose. |
| Suspension does not take place, then the collector to proceed, as usual, to collect the taxes due. | |

Whereas, harmony between this State and the Territory of Iowa is the interest of the two jurisdictions; and, whereas, it is believed to be the desire of the latter, as manifested by the resolutions of the territorial council of Iowa, heretofore adopted;—now, therefore,

Be it enacted by the General Assembly of the State of Missouri:

§ 1. That the collection of revenue are hereby authorised and directed to submit to the action of the revenue in that part of the State of Missouri, lying be-

12 Bond Assn

...shall have authority to call for such county court to appoint a county attorney for such county, if it shall appear to such court that it shall be necessary or expedient to do so, and it shall be the duty of such attorney to give legal advice and opinions to the county court of the county for which he is appointed, which shall upon the fact that in all cases which may be pending before said court, and to transact the business in behalf of such county, all cases and matters which may come before said court, in which the county may be interested.

§ 2. The said county attorney shall receive for his services such compensation as the court, appointing him, may think proper to allow, to be paid out of the county treasury.

§ 3. Attorneys appointed under the provisions of this act, shall hold their offices for twelve months unless sooner removed by the county court.

This act to be in force from its passage.

APPROVED Feb. 25, 1847

ATTORNEYS

AN ACT amendatory of an act entitled, "an act to amend the Attorney General and other officers, approved, February 2, 1847.

Approved, February 2, 1847. Passed, March 1, 1847.

In the year of our Lord, one thousand eight hundred and forty-seven, the General Assembly of the State of Missouri, as follows:

§ 1. The Attorney General shall, when required, in addition to the duties required of him by the above related act, without fee, give his opinion, in writing, to the Register of lands, touching any matters of law affecting the official duties of the said Register.

This act shall take effect and be in force from and after its passage.

APPROVED Feb. 27, 1843.

BANK

AN ACT amendatory of an act entitled, "an act to establish the third branch of the Bank of the State of Missouri," approved Feb. 6, 1841

Section 1. The directors of the Bank of the State of Missouri, shall have authority to set apart as the capital of the branch at Jackson, on the first day of October next, one hundred and fifty thousand dollars, to be paid in by the subscribers to said branch, in such manner and at such times as may be provided for by law at the present session of the General Assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the second and third sections of the act of which this act is amendatory, be and the same are hereby repealed; and that the president and directors of the Bank of the State of Missouri, shall set apart and furnish, to third

part of said Bank, equal in amount to the amount of the capital stock of said Bank, subscribed and paid in according to the provisions of the charter of said Bank, that is to say, one hundred and fifty thousand dollars, on the first day of April in the year of our Lord, one thousand eight hundred and forty-three, twenty-five thousand dollars, on the first day of July next thereafter, and the residue thereof on the first day of October next thereafter.

§ 2. The President and directors of said branch, elected at the present session of the General Assembly, and their successors in office, may hold their offices until the first Monday in December, in the year of our Lord, eighteen hundred and forty-four, and until their successors are elected and qualified: provided, that no director or directors of said branch shall receive any compensation under any pretence whatever, until said branch shall actually go into operation.

This act shall take effect from its passage.

APPROVED Dec. 25, 1842.

BANK

AN ACT to establish a branch of the Bank of the State of Missouri.

Section 1. When organized, for the purpose of certifying to the mother Bank, in order to obtain capital, to be paid in by the subscribers to said branch, in such manner and at such times as may be provided for by law at the present session of the General Assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. There shall be, and is hereby established a fourth branch of the Bank of the State of Missouri, to be established at Springfield, in Greene county, in conformity with the provisions of an act entitled, "an act to charter the Bank of the State of Missouri," approved, February 2nd, 1837, to go into operation as hereafter provided.

§ 2. The president and directors of the Bank of the State of Missouri shall furnish to said branch the proportion of capital stock belonging to said branch, in such manner and at such times as may be provided for by law at the present session of the General Assembly.

§ 3. The president and directors of said branch shall hold their offices for the same time, and on the same terms as the president and directors of the mother Bank, and shall exercise the powers and duties; but their first term of service shall expire at the next session of the General Assembly, after their appointment.

§ 4. The directors of said branch shall have organized as aforesaid, they shall certify the fact to the directors of the mother Bank, who thereupon shall immediately furnish said branch the quota of capital coming to it as aforesaid.

§ 5. Said branch hereby established shall have all the benefit of the act incorporating the mother Bank, and of the several acts amendatory thereof, so far as the same are in any wise applicable.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 6, 1843

§ 5. That all leases to be made by the trustees aforesaid, of any lands (committed) to their care or management, shall set forth the part let by meles and pounds, the terms or duration of the lease, the rents reserved, and shall specify particularly the improvements (if any) to be made, and shall contain proper covenants for the payments of rents, making improvements, (if any) and that the tenants will not cut down, injure or destroy any timber, upon the premises agreed on, preserving the building, fences and other improvements in repairs; that he or she will not commit, or suffer to be committed, on the demised premises, any waste, spoil or destruction on the buildings or fence, which may be at any time erected or put on the said premises, and that they will, at the end of his or her term, or other sooner termination thereof, yield up the premises in good order, to the trustees the right to re-rent, or determine the contract may require, reserving to the trustees the right to re-rent, or determine the lease at any time for any breach of the covenant; and no lease shall take effect until it shall be approved by the said county court, or a majority of judges thereof in vacation; and if approved, shall be deposited in the office of the clerk of such tribunal.

§ 6. That it shall be the duty of the county court aforesaid, upon the breach of any of the covenants in any lease contained upon the part of any lessee as aforesaid, to notify the tenant to yield up the premises; and if such tenant shall neglect or refuse so to do, for the period of ten days after he or she shall be notified as aforesaid, the said trustees may proceed against him or her, and obtain restitution in the same manner and with the like effect as in other cases of tenants holding over.

§ 7. That all rents received upon leases of school lands be paid into the county treasury of the county, in which the demised premises are situate at the time when such rents become due and payable according to the term and stipulation of such lease; and when paid into the county treasury shall, in all cases, be applied according to the act to which this is amendatory; and the county treasurer shall grant to the lessee duplicate receipts therefor, designating therein particularly the amount paid and on what lease; and the said lessee shall immediately deliver one of the said receipts to the clerk of the county court, who shall grant the lessee an acquittance for the amount, and charge the same to the treasury on account of school funds.

APPROVED, Feb. 23, 1843.

SCRIP.

AN ACT to suppress the circulation of city, county and town scrip.

| SECTION | | SECTION | |
|---|---|---|---|
| Cities, counties and towns prohibited from drawing several warrants for one debt. | 1 | Penalty on Treasurer for paying warrants to any other than the legally authorized person. | 5 |
| Warrants shall be drawn in the name of the condition and in no other name. | 2 | Certain cases excepted from the provisions of this act. | 6 |
| No warrant shall be paid unless presented by the proper person. | 3 | Repeat of laws inconsistent with this act. | 7 |
| Warrants made assignable. Form of the assignment given. | 4 | | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That in all cases where any city, county or town, in this State, shall be indebted to any person, on any account whatever, a warrant shall be drawn on the treasurer of such city or county, for the whole amount found due to such person, by the tribunal having power to audit and allow claims against such city or county, and such tribunal shall not, in any case, draw more than one warrant for the amount allowed to one individual at a time, and all such warrants shall be written or printed in Roman letters, without ornament.

§ 2. All warrants drawn on the Treasurer of any city, county or town, shall be drawn in favor of the person to whom the amount thereof shall be allowed, and of no other person, and such warrants may be in the form now prescribed by law.

§ 3. No treasurer of any city, county or town, in this State, shall pay any warrant drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or by his assignee, or executor or administrator.

§ 4. All warrants drawn on the treasurer of any city, county or town, in this State, shall be assignable, and every assignment of any such warrant shall be in the following form: For value received I _____ do hereby assign and transfer all my right in the within warrant to _____, and I do hereby authorise the said _____ to present the same to _____, treasurer of _____, for payment, and to receive the amount thereof, and to deliver up the same to said treasurer. Given this _____ day of _____ 184-_____.

§ 5. No treasurer of any city, county or town, in this State, shall pay off any warrant, drawn on him, out of the fund's belonging to the treasury, of which he is treasurer, to any other person than the person in whose favor the same is drawn, or to his executor or administrator, or the person to whom the same has been assigned, in the manner required by the 4th section of this act, and any such treasurer, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor in office, and, for every such violation, shall be fined any sum not less than ten, nor more than five hundred, dollars; to be recovered by indictment.

§ 6. This act shall not be construed to prevent any city or county treasurer from paying off and taking in any warrant, which may have been issued before the first day of March, 1913: nor shall this act be so construed as to prevent the issuing, by any county court in this State, any number of warrants which may be necessary to pay off any person or persons for work done for any county: such warrants shall not be negotiable, or assignable in any manner whatsoever, except as herein provided.

§ 7. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

APPROVED, Feb. 17, 1843.

SEATS OF JUSTICE.

AN ACT to amend an act entitled "an act to provide for the removal of seats of justice," approved, February 6, 1835.

On what terms county seats shall hereafter be removed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That no county seat, that has been located for the term of ten years,

§ 1. That, in any case where any city, county or town, in this State, shall be indebted to any person, on any account whatever, a warrant shall be drawn on the treasurer of such city or county, for the whole amount found due to such person, by the tribunal having power to audit and allow claims against such city or county, and such tribunal shall not, in any case, draw more than one warrant for the amount allowed to one individual at a time, and all such warrants shall be written or printed in Roman letters without ornament.

§ 2. All warrants drawn on the Treasurer of any city, county or town, shall be drawn in favor of the person to whom the amount thereof shall be allowed, and of no other person, and such warrants may be in the form now prescribed by law.

§ 3. No Treasurer of any city, county or town, in this State, shall pay any warrant drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or by his assignee, or executor or administrator.

§ 4. All warrants drawn on the treasurer of any city, county or town, in this State, shall be in the following form: For value received I — do hereby assign and transfer all my right in the sum of —, and I do hereby authorise the said — to present the same to —, treasurer of —, for payment, and to receive the amount thereof, and to deliver up the same to said treasurer. Given this — day of — 18—.

§ 5. No treasurer of any city, county or town, in this State, shall pay off any warrant drawn on him, out of the funds belonging to the treasury, or which he is treasurer, to any other person than the person in whose favor the same is drawn, or to his executor or administrator, or the person to whom the same has been assigned, in the manner required by the 4th section of this act, and any such treasurer, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor in office, and, for every such violation, shall be fined any sum not less than ten, nor more than five hundred, dollars, to be recovered by indictment.

§ 6. This act shall not be construed to prevent any city or county treasurer from paying off and taking in any warrant, which may have been issued before the first day of March, 1843: nor shall this act be so construed as to prevent the issuing, by any county court in this State, any number of warrants which may be necessary to pay off any person or persons for work done for any county: such warrants shall not be negotiable, or assignable to any man, woman or child, except as herein provided.

§ 7. All acts and parts of acts, inconsistent with the provisions of this act are hereby repealed.

This act to take effect, and be in force from and after the 1st day of March, 1843.
APPROVED, Feb. 17, 1843.

SEATS OF JUSTICE.

AN ACT to amend an act entitled "an act to provide for the removal of seats of justice," approved, February 6, 1835.

On what terms county seats shall hereafter be removed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That no county seat, that has been located for the term of ten years

... were located within the time — the geographical centre of the county, at the time the location was made, shall be removed until the provisions of an act entitled "an act to provide for the removal of seats of justice," approved February 6th, 1835, are strictly complied with.

This act to take effect and be in force from and after its passage.

Approved, Feb. 17, 1843.

SLAVE

AN ACT respecting runaway slaves.

| Penalty for enticing or decoying a slave out of this State. | SECTION 1 | Compensation to be paid to persons apprehending runaway slaves out of the limits of this State. | SECTION 2 |
|---|-----------|---|-----------|
| | | | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. If any person shall entice, decoy or carry away, out of this State, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to procure or effect the freedom of such slave, he shall be considered guilty of grand larceny, and, upon conviction, shall be punished by imprisonment in the penitentiary, not less than five years.

§ 2. If any person shall aid or assist in sending or taking out of this State, any slave, or in persuading or enticing any slave belonging to another, with intent to effect, cause or procure the freedom of such slave, or to deprive the owner thereof of the services of such slave, he shall be considered guilty of grand larceny, and, upon conviction, shall be punished by imprisonment in the penitentiary not less than five years.

§ 3. If any person shall apprehend, beyond the limits of this State, any runaway slave, and shall deliver such slave to the owner, or other person entitled to receive such slave, or to any jailor within this State, according to the provisions of an act concerning runaway slaves, approved March the 19th 1835, (one) shall be entitled to receive fifty dollars, as a reward, and ten cents for every mile of such distance as he shall necessarily convey such slave, or such sum in lieu thereof, as the owner or other person claiming such slave, may previously have offered for the services, at the election of the person apprehending: to be paid by such owner or person claiming, or by the sheriff out of the proceeds of sale.

APPROVED, Jan. 4, 1843.

STEAM BOATS.

AN ACT to protect owners of wood-yards, against the illegal acts of steam boat masters and officers.

Penalty on steam boat officers for taking wood from yards without payment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. If the master, captain or other officer of a steamboat shall stop at an

AN ACT to regulate Banking and to suppress the circulation of small bank notes, and other depreciated paper currency within the limits of this State.

| SECTION | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| After 1st July 1843, bank notes of any denomination than five dollars prohibited. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| After 1st January 1844, the circulation of notes under ten dollars prohibited. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| When the notes of suspended or non-passing banks shall not be passed. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Contracts made on such notes declared null and void. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| All banking privileges, except the bank of Missouri declared unconstitutional and void. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. From and after the first day of July, in the year 1843, no corporation, corporate body or body politic, within the limits of this State (the bank of the State of Missouri and its branches inclusive) nor any money broker, or exchange dealer shall pass or receive, within the limits of this State any bank note, or other paper currency, of any kind, providing or ordering the payment of money after the thing is less accumulation than five dollars; nor of less denomination than ten dollars from and after the first day of January, in the year 1844.

§ 2. From and after the first day of July, in the year 1843, no corporation, corporate body or body politic, within the limits of this State (the Bank of the State of Missouri and its branches inclusive) nor any money broker or exchange dealer shall pass or receive within the limits of this State, any suspended, or non-specie paying, bank note or post notes issued as currency.

§ 3. All contracts and transactions whatever, made by any corporation, corporate body or body politic, (the Bank of the State of Missouri and its branches inclusive) or by any money broker or exchange dealer within the limits of this State, founded upon loans or payments, made in such prohibited notes or currency, after the respective days limited for the circulation of the same in the two preceding sections of this act, shall be null and void, and of no force or effect in any court in this State.

§ 4. From and after the taking effect of this act, no corporation, corporate body or body politic within the limits of this State, (the Bank of the State of Missouri and its branches excepted,) shall exercise any banking privileges, either by issuing notes or any species of paper currency whatever, or by receiving money on deposit, or by discounting notes, bills or bonds, or by dealing in exchange, or by lending and collecting money, or by doing any other banking business whatever, and all enactments and clauses in any charter, or in any act of incorporation, supposed or purporting to confer such banking privileges, or any one of them, on such corporation, corporate body or body politic, (the Bank of the State of Missouri and its branches excepted) are hereby declared to be contrary to the constitution of this State, and null and void: and all acts done and contracts made by virtue of any such supposed privilege, after the passing of this act, by any such corporation, corporate body, or body politic, (the Bank of the State of Missouri and its branches excepted) shall be null and void, and no court in this State shall admit or enforce the same.

§ 5. All officers and members of any corporation, corporate body or body politic, within the limits of this State, (the officers and members of the Bank of the State of Missouri and its branches inclusive) offending in their

official capacity, against any of the provisions of this act, shall be subject to a fine of five hundred dollars, upon indictment and conviction for every such offence; one half to go to the prosecutor in the case, and the balance to the use of the State.

§ 6. The charters of all corporations, corporate bodies and bodies politic, within the limits of this State, (the Bank of the State of Missouri and its branches inclusive) violating or evading any of the provisions of this act, shall be forfeited for any such violation or evasion, and the fact of such forfeiture, or any violation or evasion of this act, or any part of this act, may be plead in bar to any suit brought by them, and if denied, the trial of the question of such forfeiture or evasion or violation shall be adjourned under the direction of the court, and a chance of venue awarded, upon the application of the defendant or defendants, to some county in which such corporation, corporate body or body politic is not situated.

§ 7. Any money broker or exchange dealer, within the limits of this State, who shall violate or evade any of the provisions of this act, shall be subject to the same penalties, as are now prescribed by law, for following such business without a license, and shall be subject to a fine of not less than one thousand dollars, upon indictment and conviction for every such offence; one half to go to the prosecutor, in the case and the balance to the use of the State.

§ 8. The provisions of this act shall not be so construed as to prevent the Bank of the State of Missouri, of its branches, from disposing of the depreciated paper of other banks, on hand, provided the same shall not be put in circulation in this State.

§ 9. Nothing in this act contained shall be so construed, as to prevent any sheriff, clerk or other executing officer from receiving any money or bank note paper that the plaintiff himself, in any suit, would have liberty to receive, when said plaintiff shall authorize the officer to receive the same.

This act to take effect from its passage.

APPROVED Feb. 28, 1843.

BONDS.

AN ACT in relation to State bonds.

Former law authorizing the mortgage, pledge, or hypothecation of State bonds by the Bank) repealed.

WHEREAS, it is believed by this General Assembly that it is inexpedient and improper to give to the Bank power to mortgage, pledge or hypothecate the bonds of the State for a less sum than the amount of the bonds, therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The tenth section of the act entitled "an act amendatory of an act entitled, an act to charter the Bank of Missouri," approved February 8th, 1839, is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 22, 1843.

himself and the examining committee in eighteen hundred and forty-six.
 § 6. It shall be the duty of the Auditor, in settling the accounts on the books of his office, to conform to the corrections herein provided for.

This act shall be in force from and after its passage.

APPROVED, March 19, 1847

BANK.

An Act to establish a fifth branch of the Bank of the State of Missouri.

| SECTION. | | SECTION. | |
|----------|--|----------|--|
| 1 | When capital stock to be furnished by the mother Bank. | 4 | Said branch to have the benefit of the act relating to the incorporation of the mother Bank. |
| | Capital stock to be furnished said branch | | |
| 2 | Treasure office of the officers of said branch | | |

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. There shall be, and is hereby established, a fifth branch of the Bank of the State of Missouri, to be established at Lexington, in Lafayette county, in conformity with the provisions of an act, entitled "an act to charter the Bank of the State of Missouri, approved February second, eighteen hundred and thirty-seven"—to go into operation as hereafter provided.

§ 2. The president and directors of the Bank of the State of Missouri shall furnish to said branch the proportion of capital stock belonging to said branch, in such manner and at such times as may be provided for by law, at the present session of the General Assembly.

§ 3. The president and directors of said branch shall hold their offices for the same time and on the same terms as the president and directors of the mother Bank, and shall exercise like powers and duties; but their first term of service shall expire at the next session of the General Assembly after their appointment.

§ 4. That so soon as the directors of said branch shall have organized, as aforesaid, they shall certify the fact to the directors of the mother Bank, who, thereupon, shall immediately furnish said branch the quota of capital coming to it, as provided for in the second section of this act.

§ 5. Said branch hereby established shall have all the benefits of the act incorporating the mother Bank, and of the several acts amendatory thereof, so far as the same are in anywise applicable.

This act to take effect from and after its passage.

APPROVED, Feb. 21, 1845.

BANK.

ACT supplementary to an act to establish the fifth branch of the Bank of the State of Missouri.

| SECTION. | | SECTION. | |
|----------|---|----------|---|
| 1 | When and how the capital stock of the fifth branch to be paid by the mother Bank. | 2 | When and how the President and State Directors to be elected, |
| | | | |

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. As soon as the fifth branch of the Bank of the State of Missouri shall be organized, the parent Bank shall set apart and furnish to the President and Directors of the said branch at Lexington, at least one-tenth part of all the capital stock paid in, which shall be increased from time to time, in like proportion as the capital stock shall be paid in.

§ 2. A president and six directors on the part of the State, shall be elected during the present session of the General Assembly.

This act to take effect from its passage.

APPROVED, Feb. 28, 1845.

BONDS.

An Act to provide for the surrender and cancellation of certain Bonds of the State of Missouri, and for the issue of other equivalent Bonds therefor.

| SECTION. | | SECTION. | |
|----------|--|----------|---|
| 1 | Certain State bonds of the denomination of \$100 may be cancelled, and in lieu thereof, bonds of the denominations of \$100 or \$50 may be issued. | 4 | What bonds may be surrendered by virtue of this act, |
| | The Governor authorized to receive the old and to issue new bonds. | | |
| 2 | Bonds, how to be issued and to whom made | 6 | Bondholders to pay the expenses attending the preparation of the new bonds, |

Whereas, under the provisions of an act entitled "an act to issue State bonds to refund to the Bank money advanced on account of the State, approved February twenty-fifth, eighteen hundred and forty-three," and also under the provisions of an act entitled an act for the erection of a public warehouse in the city of St. Louis for the storage and inspection of tobacco, approved February twenty-seventh, eighteen hundred and forty-three, bonds of the State of Missouri, each for one hundred dollars, were issued to the Bank of the State of Missouri, or order, and others for the purposes specified in said acts, and whereas said bonds, so issued to said Bank were afterwards transferred by said Bank, and upon transfer were endorsed by said Bank "without recourse," and whereas said endorsement has the effect of discrediting said bonds and of throwing suspicion upon them in the eyes of persons at a distance, and of injuring

titled, "an act to change the name of Ozark county," shall be considered and known as the county of Ozark.

§ 2. All laws in force relating to the county of Decatur, shall be construed to apply in all respects to the county of Ozark, and all acts, things, done and performed, and contracts made, or which may be made before the first day of October next, in the name of the county of Decatur, shall be as valid and binding in that county and all other counties as if made or done in the name of the county of Ozark, and all matters and business which are commenced in the name of the county of Decatur, shall be continued in the same name, and all officers, civil or military, appointed, or to be appointed, for the county of Decatur, shall be taken and deemed to be appointed for the county of Ozark, and are hereby authorized to act as such.

§ 3. All courts heretofore established, and directed by law to be held in the county of Decatur, shall in all respects apply to the county of Ozark.

This act to take effect and be in force from and after its passage.
APPROVED, March 24, 1844.

COUNTIES.

AN ACT concerning Sullivan and Harrison counties.

Justices of the Peace and Constables, in certain cases, to hold their offices until next general election.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Justice of the peace and constable, whose residence, by the establishment of the counties of Sullivan and Harrison, may have fallen within the limits of said counties, or of the territory attached thereto, shall and may, until the next general election, continue to hold and exercise his office within said counties.

This act to take effect from and after its passage.

APPROVED, March 26th, 1845.

COURTS.

AN ACT amendatory and explanatory of an act entitled "an act to fix the time of holding Circuit Courts," approved, February 24th, 1843.

The law in relation to the 3rd Judicial Circuit to extend beyond 1844, and until otherwise arranged by law.

WHEREAS, doubts have arisen whether the third section of the above

recited act makes provision for holding the circuit courts of the third Judicial Circuit, beyond the year eighteen hundred and forty-four; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows :

1. The second clause of the third section of the above recited act, which fixes the time of holding the circuit courts in the third Judicial Circuit, for the year eighteen hundred and forty-four, shall be so construed as to extend beyond the year eighteen hundred and forty-four, and the circuit courts in said third Judicial Circuit, shall be held in the several counties of said circuit, at the respective times fixed by said act, until the year eighteen hundred and forty-four, until a different time shall be fixed by law.

This act shall take effect and be in force from and after its passage.

APPROVED, Jan. 4, 1845.

COURTS.

AN ACT to authorize the county court of Madison county to use certain papers.

County court of Madison county may use certain ornamental paper for their warrants.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the county court of Madison county shall be, and they are hereby permitted to use the ornamented paper that they have on hand at present, in making out their county warrants, &c.

This act to take effect from and after its passage.

APPROVED, Jan. 14, 1845.

COURTS.

AN ACT to authorize the county court of Osage county to divide the county revenue for certain purposes.

| SECTION. | | Section. |
|--|--|----------|
| County court of Osage may, under certain conditions, divide the county revenue | for certain purposes, Certain matters and acts made legal, | 1 2 |

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The county court of Osage county is hereby authorized to divide the county revenue of said county, taking such part thereof as the said court may consider necessary for the express purpose of discharging the outstanding debt against said county for the building of the court house in said county, provided said expressed levy, as above stated, and the bal-

COMP. 16

This act not to permit persons to issue currency without license, except &c.

property at auction, in any town or city in this state, where there is a licensed auctioneer, without having first obtained a license for that purpose, except officers of the town or city or of the county or state, or of the United States, in discharge of their duty, executors, administrators, guardians or other persons, in discharge of a duty imposed on them by law, and farmers, who may wish to sell horses or other live stock, when taken to market.

Approved March 27th, 1845.

CHAPTER 16.

BANKING, ILLEGAL—CURRENCY.

AN ACT to prevent illegal banking and the circulation of depreciated paper currency, within the limits of this state. (a)

1. No person shall issue or circulate any paper currency, within the limits of this state, (a)
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100. No person shall issue or circulate any paper currency, within the limits of this state, (a)

(a) Vide, acts of 1835, p. 95. Sess. acts of 1836-7, p. 24. Sess. acts of 1842-3 p. 20.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. No person, unauthorized by law, shall create or put in circulation, as a circulating medium, any note, bill, check or ticket, purporting that any money will be paid to the receiver or holder thereof, or that it will be received in payment of debts, or to be used as a currency, or medium of trade, in lieu of money. (b)

SECTION 2. If any person issue, put in circulation, sign, counterfeits, or endorse any such note, bill, check or ticket, he shall be fined not less than two hundred and fifty dollars, one half to go to the prosecutor, and the other half to the county in which the offence shall be committed.

SECTION 3. If any person vend, pass, receive or offer in payment any such note, bill, check or ticket, or other such currency, he shall forfeit fifty dollars, to be recovered by action of debt, to the use of any person who shall sue for the same, before any justice of the peace of the county.

SECTION 4. No corporation within the limits of this state, (the bank of the state of Missouri and its branches, inclusive,) or any money broker or exchange dealer, shall pass or receive, within the limits of this state, any bank note or other promise of any kind, promissory, or ordering the payment of money, or other thing, of less denomination than ten dollars.

SECTION 5. No corporation within the limits of this state, (the bank of the state of Missouri and its branches, inclusive,) or any money broker or exchange dealer, shall pass or receive, within the limits of this state, any suspended or non-repable paying bank note, or post note, issued as a currency.

SECTION 6. All contracts and transactions whatever, made by any corporation, (the bank of the state of Missouri and its branches, inclusive,) or by any money broker, or exchange dealer, within the limits of this state, founded upon loans or payments made in such prohibited notes or currency, shall be null and void, and of no force or effect in any court in this state.

SECTION 7. No corporation within the limits of this state (the bank of the state of Missouri and its branches excepted,) shall exercise any banking privileges, either by issuing notes, or

(b) Downing v. The State, 4 Missouri Rep., 572.

Charters of all corporations violating or evading the provisions of this act, to be forfeited.

May be pleaded in bar.

Change of venue may be awarded.

SEC. 10. The charters of all corporations, within the limits of this state, (the bank of the state of Missouri and its branches, inclusive,) violating or evading any of the provisions of this act, shall be forfeited for any such violation or evasion, and the fact of such forfeiture, or any violation or evasion of this act, or any part thereof, may be pleaded in bar to any suit brought by them, and, if denied, the trial of the question of such forfeiture, violation or evasion, shall be adjourned under the direction of the court, and change of venue awarded, upon the application of the defendant, to some county in which such corporation is not situate.

SEC. 11. Any money broker, or exchange dealer, who shall violate or evade any of the provisions of this act, shall be fined not less than one thousand dollars, one-half to go to the prosecutor, and the other half to the state.

SEC. 12. No person, association of persons or corporation, as the agent of any foreign corporation or incorporated banking company, shall, within the limits of this state, keep any banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, or in any manner deal in buying or selling bills of exchange, checks, drafts, or in discounting bills or notes, or by or through the means of such banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, loan, issue, emit, circulate, pass or pay, or tender in payment, any notes or bills of such foreign corporation or unincorporated banking company.

SEC. 13. If any person, association of persons, or corporation, shall violate the provisions of the preceding section, such person, association of persons, or corporation, shall forfeit the sum of one thousand dollars, to be recovered by indictment or action of debt, in the name of the state, one-half to the use of the prosecutor, and the other half to the state.

SEC. 14. Every day during which, or any part of which, such prohibited banking house, agency or office, is kept open, or such prohibited business, or any of it, is transacted, shall constitute a distinct offence.

SEC. 15. All bonds, bills or notes, or other instruments of writing, securing the payment of any money or bank notes loaned or advanced by any foreign corporation, or unincorporated banking company, situated or located, or which is doing business by its officers or agents, within this state, to such

No person, corporation, or agent of foreign corporation, shall keep a banking house

Penalty of \$1000 for violating the provisions of the preceding section.

Every day in which the prohibited business, or any of it, is transacted, shall be kept open, declared a distinct offence.

All bonds, &c. loaned or advanced by foreign banking company, or agent thereof utterly void, &c.

or any species of paper currency whatever, or by receiving money on deposit, or by discounting notes, bills or bonds, or by buying and selling bills of exchange, or otherwise dealing in the same, or by lending or collecting money, or by doing any other kind of banking business whatever, and no court shall enforce any liability to any other corporation or individual, incurred by any other corporation prohibited by this act from exercising banking privileges, by issuing notes or any other species of paper currency, or by receiving money or bank notes on deposit, or by discounting notes, bills or bonds, or by buying or selling bills of exchange, or by borrowing money for banking purposes, or by collecting money, or by doing any other kind of banking business: nor shall any court enforce any liability to such corporation incurred by any other corporation or individual, by reason of such other corporation or individual being the maker, endorser, drawer or acceptor of any note, bill or bond purchased or discounted by such corporation, nor any liability to such corporation, incurred by any other corporation or individual for money borrowed, nor any other liability growing out of the exercise of banking privileges by such prohibited corporation.

SEC. 8. Any officer or member of a corporation, prohibited by the preceding section, from exercising banking privileges, who shall receive money or bank notes offered to be deposited, or who shall receive money or bank notes on deposit, or who shall pay out money, bank notes or bills of exchange, as the proceeds of any note, bill or bond, sold or discounted by such corporation, or who shall receive money or bank notes borrowed by such corporation, for banking purposes, or who shall pay out any money or bank notes loaned by such corporation, or who shall aid or assist in doing any other kind of banking business prohibited by the preceding section, shall be fined not less than five hundred dollars for each offence, one half to go to the prosecutor, and the other half to the state. (c)

SEC. 9. All officers and members of any corporation within the limits of this state, (the officers and members of the bank of the state of Missouri, inclusive) offending, in their official capacity, against any of the provisions of this act, shall be fined not less than five hundred dollars, one-half to go to the prosecutor, and the other half to the state.

(c) The provisions creating an informer, originated with the session of 1844-5.

No court to enforce any liability whatever incurred by corporation exercising such privileges.

No liability to such corporation.

Penalty not less than \$500 on officer or member of corporation for receiving, &c. prohibited bank notes, &c.

Penalty not less than \$500 on all officers and members of corporations offending in their official capacity.

foreign corporation or unincorporated banking company, or executed to any agent or person holding himself out as agent of such corporation or unincorporated banking company, or to any corporation or person, whether such bond, bill or note, or other instrument of writing, be made payable, or made to secure the payment of such loan of money or bank notes, to such foreign corporation or unincorporated banking company, or to the agent thereof, for the use of the same, or to such agent, or to any other person or corporation, either directly or indirectly, for the use of such foreign corporation or unincorporated banking company, in whatever name or form the same may be drawn, shall be taken and held as utterly void and of non-effect.

In suits brought upon such bonds, bills, &c., what defendant may give in evidence under plea of general issue.

Sec. 16. The defendant in any suit brought upon such bond, bill or note, or other instrument of writing, may, under the plea of the general issue, give in evidence for whose use such bond, bill or note, or other instrument of writing, was given or executed, and whether the consideration of the same was money, or bank notes loaned or advanced, or checks, drafts, or bills sold or discounted by such foreign corporation or unincorporated banking company, or by the agent, or person, or corporation holding himself or itself out as the agent thereof, and the fact of the agency of any person or corporation.

Approved March 26, 1845.

CHAPTER 17.

BILLIARD TABLES.

AN ACT to license and tax billiard tables.

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| Sec. 1. County clerk to issue blank licenses. | Sec. 4. Clerk to certify to auditor the amount charged to collector. |
| 2. Collectors to grant licenses; tax thereon. | 5. Penalty for keeping billiard table without license. |
| 3. County courts to settle with collector at every term. | 6. Penalty for permitting minors to play billiards. |

Be it enacted by the General Assembly of the State of Missouri, as follows:

Clerk to issue blank licenses. 1835, p. 96

SECTION 1. The county courts shall have power to license the keepers of billiard tables, and at each term the clerk of said courts shall prepare and deliver to the collectors of their

counties, as many blank licenses for the keepers of billiard tables, as the respective courts shall direct, which shall be signed by the clerk, and attested by the seal of the court.

Sec. 2. The collectors shall grant to any person who may apply for the same, a license to keep a billiard table in their respective counties for six months, upon the payment by the applicant, of one hundred dollars as a state tax, and one dollar as a fee to the clerk who issued the same, and the clerk shall countersign all such licenses before delivering them to the applicant.

Sec. 3. The county court shall charge the collectors with all blank licenses delivered to them, and at any regular term shall settle with the collectors for all such licenses delivered to them, and credit them with all the blank licenses which they may return, and at the same time the collectors shall pay to the clerks respectively, one dollar for every such blank license not returned.

Sec. 4. The collectors shall stand chargeable with all the blank licenses not returned, and the county court at each regular term shall cause the clerks to certify to the auditor of public accounts, the amounts with which the collectors stand chargeable, who shall charge the respective collectors accordingly.

Sec. 5. Every person who shall keep, or permit to be used and kept, any billiard table, without having a license therefor, shall forfeit and pay four hundred dollars, for the use of the state, to be recovered by indictment.

Sec. 6. Every licensed keeper of a billiard table, who shall suffer any person under the age of twenty-one years to play on his table without the permission of his father, master or guardian of such minor first granted, shall forfeit and pay to such father, master or guardian, for every such offence, fifty dollars, to be recovered by action of debt.

Approved February 21, 1845.

§ 1. So much of an act entitled "An act to prevent illegal banking and the circulation of depreciated paper currency within the limits of the State," approved March 26, 1845, as restrains and prevents any money broker, or exchange dealer, from receiving any bank note, or other paper currency of any kind, of less denomination than ten dollars, or any suspended or non-specie paying bank note, or post note issued as

§ 2. This act shall take effect from its passage.
Approved February 22, 1891.

~~AN~~ ACT to amend an act entitled "An act to license and tax Billiard Tables;" approved February 21, 1845.

§ 3. Amount of license tax, to be used for state, city and county purposes.

§ 1. In lieu of the tax to be paid to the State for a license to keep a billiard table as provided in the second section of the said act, which is a license to keep a billiard table, the collector shall receive and pay the sum of thirty-three dollars and fifty cents for each billiard table for each year, and in order for the collector to receive the same, the collector shall deliver to the appropriate license or licensees to keep a billiard table or tables for each year, from and after the payment of the amount of money so received.

§ 2. That the town and county shall have a lien, and a lien is hereby created in favor of the state and county upon all billiard tables, the amount of the license thereon; and if the owner or keeper thereof shall fail or refuse to pay to the collector the amount of the license required, within ten days after said tables shall be set up, then it shall be the duty of the collector to levy upon and seize said billiard tables, and sell the same at public vendue for and to pay the amount of said license.

§ 3. Neither the county courts, nor city or town authorities, shall levy any greater amount of license tax on any billiard table for county or town purposes, than is allowed for state purposes, by the first section of this act.

§ 4. This act to take effect from and after its passage.
Approved March 1, 1851

AN ACT concerning Bills of Exchange.

§ 1. Any bill of exchange, draft or order, drawn either within this State or elsewhere, upon any person residing within this State, payable on its

~~The act shall take effect from its passage.~~
Approved February 22, 1851.

AN ACT providing for the Education of the Blind.

1. James F. Watson and others created a
secret political party, police, name and
number.
2. Government corporation vested in
the State of Missouri.
3. The corporation is a general corporation
with a capital of \$100,000.
4. The corporation is a general corporation
with a capital of \$100,000.
5. Watson entitled to benefits of the institu-
tion terms of admission.
6. Principal or other officer to visit coun-
ties of the State and make report.

That James E. Yeatman, Adolph Abelles, Thoms Yeatman, William C. Faxon, John O'Fadon, Asa Wilgus, R. K. Woods, John B. Seay, S. S. Cook, A. B. Chambers, J. Boyle, J. B. Crockett, H. E. Brown, J. M. Corless, Norman Cutler, J. Russell, Charles A. Pope, George R. Hays, William M. Morrison, Edward Wyman, and all such persons as they may hereafter designate according to the constitution of the corporation, they are hereby constituted and appointed a body corporate and politic, under the name and style of "The Missouri Institute for the Education of the Blind." By that name they and their successors shall have perpetual succession, may sue and be sued, plead and be pleaded against and be defended, in any and all courts of justice, may make, alter, amend and renew at pleasure, a common seal. Said corporation shall have power in its corporate name, to purchase and convey any and all real estate and personal property, which may be necessary for the objects and purposes of this corporation; which shall not at any time exceed the sum of one hundred thousand dollars.

... of seven trustees, five of whom shall be chosen by the members, life members, benefactors and patrons, according to such rules and regulations as the by-laws shall provide.

The sixth section of "an act concerning corporations," approved March 19, 1845, is not applicable to this corporation.

ments or which it is created, there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of fifteen per cent of said sum to be paid in five equal annual instalments; but no part of said sum or sums shall be appropriated, so as to pay out of the treasury the same, or any part thereof, until at least ten thousand dollars shall have been subscribed, donated, and received, to be paid by individuals, by the city or county of St. Louis, or by all united, in aid of said institution; which subscriptions or donations, shall be paid in

other improvements for grading and ornamenting grounds: ninth, for the purchase of horses for the use of the managers.

§ 2. The members of the board of managers may deem necessary to employ parties on behalf of the state, to all contracts made for the discharge of work and labor, and purchases required by the preceding sections, to be performed and made, and shall have the same powers and be under the same duties and restrictions in making and executing all such contracts, and paying off the contractors, as were conferred and enjoined on the commissioners of said asylum, as provided by an act approved March 12th, 1849, entitled, "an act amendatory of an act entitled 'an act to establish an asylum for the insane,' approved February 17th, 1847, except sections two, four and thirteen of said act, which are hereby repealed, provided the managers shall have power to make payment in a less sum of one thousand dollars, where such sum will discharge an entire contract. Upon the presentation to the auditor of public accounts of any requisition of the managers, signed by at least two of them, the auditor shall draw his warrant on the treasurer in favor of the contractor for the amount of such requisition, payable out of the funds appropriated for the purpose as provided in the preceding section; and the treasurer of the state shall upon presentation of such requisition pay the same.

§ 3. The board of managers shall in their discretion apply the money appropriated in the first section to such of the several works above classified, as they may deem most advantageous to the interests of the asylum: provided no work shall be constructed the cost of which shall exceed this appropriation.

Approved February 23, 1852.

AN ACT to provide for building an Asylum for the Blind.

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| § 1. Money appropriated to erect a house for the blind. | § 2. How expended and how accounted for. |
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Be it enacted by the general assembly of the State of Missouri, as follows:
 § 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of twenty thousand dollars for the purpose of erecting a suitable house for the blind in the city or county of St. Louis; which sum shall be drawn upon the requisition of the president of the Missouri institute for the education of the blind, and the auditor is authorized and required to draw his warrant in his favor for said sum: provided, however, that not exceeding ten thousand dollars shall be drawn during the year 1853, and the remainder in the year 1854.

§ 2. The sum of money hereby appropriated shall be expended by the trustees of the Missouri institute, for the education of the blind, in the erection of a suitable building or buildings, for the pupils of the institute, upon ground purchased by or donated to said institute, and a full report of the mode of its application, shall be made to the next general assembly.

This act to take effect from its passage.
 Approved February 24, 1852.

AN ACT to amend an act entitled "an act concerning voluntary assignments," approved March 29th, 1849.

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| 1. Third section of the act to which this is amendatory, how amended. | 3. Manner in which the eighth section of said act is amended. |
| 2. To what respect fifth section of said act is amended. | 4. Bond approved by the clerk in vacation to be submitted to the court at the next term. |

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. The third section of the act to which this act is amendatory, shall be so amended as to read after the word "thereof," or the clerk thereof.

§ 2. The fifth section shall be so amended as to read, the appraisers shall file their appraisement and oath of office in the office of clerk of the circuit court, within the five days after they shall have completed the same.

§ 3. The eighth section of said act shall be so amended as to insert after the word thereof, the words or the clerk thereof.

§ 4. In all cases when the bond of the assignee shall have been approved by the clerk as aforesaid, it shall at the next term of the court, be submitted to the court by the clerk, for its approval or rejection.

This act to take effect and be in force from and after its passage.

Approved January 28, 1853.

BANKS

AN ACT to remove and relocate the third branch of the bank of the state of Missouri,

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| 1. Location of the third branch of the bank how changed. | 3. Duty of the president and directors of the bank. |
| 2. The branch as located by this act entitled to the same benefits as heretofore. | 4. None of the public or bank funds to be expended in procuring a house for the use of said bank. |

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. Third branch of the bank of the state of Missouri shall on the fifth day of April, 1853, or as soon thereafter as practicable, be removed from the town of Jackson, in the county of Cape Girardeau, and the same shall be and is hereby relocated at the city of Cape Girardeau, in said county.

§ 3. The said branch bank as located by this act, at the city of Cape Girardeau, shall be entitled to all the benefits of an act, entitled "an act to establish the third branch of the bank of the state of Missouri," approved February 6th, 1841, so far as the same may be applicable, to the said branch bank as located by this act.

§ 3. It shall be the duty of the president and directors of said branch, to procure in the said city of Cape Girardeau, either by lease or rent, a suitable house, for the use of said branch bank, and to sell on such terms as a majority of them may deem most expedient, the banking house of said branch, situated in the town of Jackson, and to make all necessary arrangements to carry into effect the provisions of this act.

4. The president and directors of said company shall not expend any of the public or bank funds, in erecting or repairing any house building, for the use of said branch bank.
This act to take effect and be in force from and after its passage.
Approved January 22, 1853.

BONDS.—STATE.

AN ACT to provide means to pay the state bonds falling due in the year eighteen hundred and fifty-three.

- § 1. Governor authorized to issue state bonds. | § 3. How the proceeds of the sale of a bonds shall be applied.
2. Aggregate amount of such bonds.

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. The governor of this state is hereby authorized to issue bonds of the state, in one thousand dollars each, payable in either of the cities of New York or St. Louis, and redeemable at the pleasure of the state, at any time after twenty years, and with coupons attached bearing interest at the rate of six per centum per annum, payable semi-annually on the first day of July and January.

§ 2. The bonds hereby authorized to be issued, shall not exceed in the aggregate, the sum of two hundred and fifty thousand dollars, shall be signed by the governor, sealed with the seal of the state, and countersigned by the secretary of state, and registered in the office of the auditor of public accounts.

§ 3. The governor is authorized to negotiate a sale of said bonds through the agency of the bank of the state of Missouri or other agents, at his discretion, and he shall apply the proceeds of said bonds to the payment of the state bonds falling due during the year eighteen hundred and fifty-three. The faith of the state is hereby pledged for the punctual payment of the interest and principal of the bonds hereby authorized to be issued.

§ 4. This act shall take effect from and after its passage.
Approved February 24, 1853.

COLLECTORS.

AN ACT for the relief of the collectors of the revenue.

- § 1. Auditor required to settle with collectors until, when.

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. The auditor of public accounts is hereby authorized and required to make his settlement with the several collectors of the revenue of this state, until the first Monday of April, A. D. eighteen hundred and fifty-three, and make the same allowance that is now provided by law, and in all respects settle with the collectors of the revenue, as though said settlements had been made within the time now provided by law.

This act to take effect from and after its passage.
Approved February 17, 1853.

COMMISSIONER.

A BILL to require the commissioner of the permanent seat of government to make a deed to Alexander H. McFaddin.

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. The commissioner of the permanent seat of government, is required to execute a deed to Alexander H. McFaddin, for lot number 368, in the City of Jefferson. Said deed so executed, shall have the effect to pass to said McFaddin, all the right and title which the state may have, in the said lot.

This act shall take effect from and after its passage.

Approved January 13, 1853.

CORPORATIONS.

AN ACT to amend an act to authorize the formation of corporations for manufacturing, mining, mercantile or chemical purposes, approved March 12th, 1849.

- Any company may be formed under this act. | § 3. Duty of directors.
2. In what capital stock shall be paid. | 4. Portion of the act to which this is amended, repealed.

Be it enacted by the general assembly of the State of Missouri, as follows:

§ 1. Any company may be formed under the act, of which this is a part, with a capital not less than one thousand dollars.

§ 2. The capital stock of any company organized under this act, and the amount which it is an amendment shall be paid in money, or real or personal estate at its cash valuation. When real or personal estate is proposed to be paid as capital, it shall be valued by three disinterested parties under oath, who shall file their affidavit of said valuation in the office of the court where the original certificate is filed. No loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officer who shall make it, shall be liable to the extent of such loan, and interest for all debts of the company contracted for the repayment of the sum so loaned.

§ 3. It shall be the duty of the directors of every company organized under this act, to cause to be kept a book in which shall be recorded the exact amount of profits which have been made, and losses which have been sustained by the company; and all dividends which have been declared by the company and paid with the amount of such dividends, the dates when declared, and the person to whom paid; also to be kept by the treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are or who shall have been within six years stockholders of such company, showing their place of residence, the number of shares of stock held by them respectively, and the times when they became the owners of such stock, and the amount of capital actually paid in; which book shall, during the usual business hours of each week day, be open for inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company, in the county where its business operation shall be located; and any and every such stockholder, creditor or representative shall have a right to make extracts from such

Eighth. Land, or leasehold interest therein, sold on the premises.

Ninth. Each licensed merchant shall have the privilege of selling off at auction, at the end of every twelve months after the commencement of his business, any refused stock of goods, which he may have on hands for six months preceding, without obtaining an auctioneer's license for that purpose.

SEC. 17.—The auctioneer shall pay over to the collectors of the proper counties, all the duties imposed by this law, and, for that purpose, may retain the amount out of the proceeds of the property sold, and shall be allowed a commission of one per centum on the amount so paid.

SEC. 18.—Auctioneers shall render their accounts, according to the condition of their bond, to the clerk of the county court of the respective counties in which they transact their business, and shall make oath or affirmation, before such clerk, to the truth of every such account rendered; in default of which, such account shall not be deemed truly rendered, according to the condition of their bond.

SEC. 19.—Upon such account being rendered, the clerk shall ascertain the amount of duties to be paid by the auctioneer, and give him a certificate thereof, and the auctioneer shall pay the same to the collector, within twenty days thereafter; and, upon producing to the clerk the receipt of the collector for the amount, the clerk shall grant him a quietus therefor.

SEC. 20.—The clerk shall charge the collector with the amount rendered, and certify the same to the Auditor of Public Accounts without delay, and the Auditor shall charge the collector accordingly.

SEC. 21.—When it shall appear, to the satisfaction of the clerk of the proper county court, that any auctioneer has fulfilled the conditions of his bond and the requirements of this law, he shall endorse a certificate thereof upon his bond, which shall be *prima facie* evidence of the [performance of the] condition, down to that time.

SEC. 22.—When any auctioneer shall fail to fulfill the condition of his bond, or the requirements of this law, the proper clerk shall cause him to be prosecuted on his bond; and, if judgment shall be rendered against him, his license shall be thereby vacated, and he shall be incapable to receive

a new license, unless by the express direction of the county court.

SEC. 23.—It shall be the duty of the collectors in the several counties, to collect the duties imposed by this law, and to prosecute for all fines and forfeitures which may be incurred under it.

SEC. 24.—The county courts of the several counties in this State, except the County Court of the county of St. Louis, shall have power to graduate the license tax, to be imposed on each license to be granted under the provisions of this act: *Provided*, That such tax to the State shall not be less than twenty, nor more than one hundred dollars, on each license for six months.

Approved December 8, 1855.

CHAPTER XVI.

BANKING, ILLEGAL—CURRENCY.

AN ACT TO PREVENT ILLEGAL BANKING, AND THE CIRCULATION OF DEPRECIATED PAPER CURRENCY, WITHIN THIS STATE.

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| <p>§ 1. No person, without authority of law, to create, or put in circulation, any note, bill, &c., as a circulating medium.</p> <p>2. Punishment, by fine of not less than two hundred and fifty dollars, for issuing, putting in circulation, &c.</p> <p>3. Forfeiture of fifty dollars for passing, vending, receiving, &c.</p> <p>4. No corporation, broker or exchange dealer, to pass or receive any note less than five dollars. <i>Proviso.</i></p> <p>5. No corporation to pass or receive banknote, or post note, of suspended or non-specie-paying bank, excepting, &c.</p> <p>6. Contracts made by corporation, broker or exchange dealer, founded on such prohibited currency, declared null and void.</p> | <p>7. No corporation to exercise banking privileges. No court to enforce any liability whatever, incurred by any corporation exercising such privileges. Not to enforce liability to such corporation, incurred by any other corporation, or individual, in certain cases.</p> <p>8. Penalty of not less than five hundred dollars, on officer or member of corporation, for receiving, &c., prohibited bank notes, &c.</p> <p>9. Charters of all corporations, violating or evading the provisions of this act, to be forfeited. May be pleaded in bar, when. Change of venue may be awarded, when.</p> <p>10. Penalty on brokers, exchange dealers and officers of corporations, for violating provisions of this act.</p> |
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Collector to collect duties, and to prosecute for fines, &c.

License tax may be graduated.

Proviso.

§ 11. No person, corporation, &c., as agent of any foreign corporation, &c., shall keep a banking house, agency office, &c.

12. Penalty of one thousand dollars fine for violating the provisions of the preceding section.

§ 13. Every day in which such banking house is kept open, declared a distinct offence.

14. All bonds, bills, notes, &c., loaned or advanced by any foreign banking company, or agent thereof, utterly void and of no effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:—

SECTION 1.—No person unauthorized by law, shall create or put in circulation, as a circulating medium, any note, bill, check, ticket, or other instrument of writing, purporting or evidencing that any money will be paid to the receiver, bearer or holder thereof, or to any person, by any name or description whatsoever, or that it will be received in payment of debts, or to be used as a currency, or medium of trade, in lieu of money. (a)

SEC. 2.—If any person issue, put in circulation, sign, countersign, or endorse any such note, bill, check, ticket, or other instrument of writing, he shall be fined not less than two hundred and fifty dollars, one-half to go to the prosecutor, and the other [half] to the county in which the offence shall be committed.

SEC. 3.—If any person vend, pass, receive, or offer in payment, any such note, bill, check or ticket, or other such currency, he shall forfeit fifty dollars, to be recovered by civil action, to the use of any person who shall sue for the same, before any justice of the peace of the county.

SEC. 4.—No corporation within the limits of this State, (the Bank of the State of Missouri and its branches inclusive,) money broker or exchange dealer, shall pass or receive, within the limits of this State, any bank note, or other paper currency of any kind, promising or ordering the payment of money or other thing, of less denomination than five dollars: *Provided, however,* That said money brokers and exchange dealers may buy, take or receive such bank notes, post notes and currency, for the purpose of sending the same out of the State.

(a) A corporation, created by one government, may sue in the courts of another. Bank of Edwardsville v. Simpson, 1 Mo. Rep., 129. *Id.*, Downing v. State, 4 Mo. Rep., 572. Bank v. Benedict & Hickney, 10 Mo. Rep., 519. *Id.*, sections one and two of act 1845, and State v. Page & Bacon, 10 Mo. Rep., 213.

No person, without authority of law, to create or put in circulation any note, &c., as circulating medium

Punishment, by fine, for issuing, &c.

Forfeiture of fifty dollars for passing, vending, receiving, &c.

No corporation, broker or exchange dealer, to pass or receive any note less than five dollars.

Proviso.

Acts 1851, p. 57.

SEC. 5.—No corporation within the limits of this State, (the Bank of the State of Missouri and its branches inclusive,) nor any money broker or exchange dealer, shall pass or receive, within this State, any suspended or non-specie paying bank note, or post note, issued as a currency, excepting as provided in the fourth section of this act.

SEC. 6.—All contracts and transactions whatever, made by any corporation, (the Bank of the State of Missouri and its branches inclusive,) or by any money broker or exchange dealer, within this State, founded upon loans or payments made in such prohibited notes or currency, shall be null and void, and of no force or effect in any court in this State.

SEC. 7.—No corporation within the limits of this State, (the Bank of the State of Missouri and its branches excepted,) shall exercise any banking privileges, either by issuing notes, or any species of paper currency whatever, or by receiving money on deposit, or by discounting notes, bills and [or] bonds, or by buying and selling bills of exchange, or otherwise dealing in the same, or by lending or collecting money, or by doing any other kind of banking business whatever; and no court shall enforce any liability to any other corporation or individual, incurred by any other corporation prohibited by this act from exercising banking privileges, by issuing notes or any other species of paper currency, or by receiving money or bank notes on deposit, or by discounting notes, bills or bonds, or by buying or selling bills of exchange, or by borrowing money for banking purposes, or by collecting money, or by doing any other kind of banking business; nor shall any court enforce any liability to such corporation, incurred by any other corporation or individual, by reason of such other corporation or individual being the maker, endorser, drawer or acceptor of any note, bill or bond purchased or discounted by such corporation, nor any liability to such corporation, incurred by any other corporation or individual, for money borrowed, nor any other liability growing out of the exercise of banking privileges, by such prohibited corporation.

SEC. 8.—Any officer or member of a corporation, prohibited by the preceding section from exercising banking privileges, who shall receive money or bank notes offered to be deposited, or who shall receive money or bank notes on deposit, or who shall pay out money, bank notes or bills of ex-

No corporation to pass or receive notes of suspended, or non-specie paying banks, excepting, &c.

Contracts made by corporation, &c., founded on prohibited currency, declared null and void.

No corporation to exercise banking privileges.

No court to enforce any liability whatever, incurred by corporation exercising such privileges.

Not to enforce liability to such corporation.

Penalty on officer or member of corporation, for receiving, &c., prohibited notes, &c.

change, as the proceeds of any note, bill or bond sold or discounted by such corporation, or who shall receive money or bank notes borrowed by such corporation, for banking purposes, or who shall pay out any money or bank notes loaned by such corporation, or who shall aid or assist in doing any other kind of banking business prohibited by the preceding section, shall be fined not less than five hundred dollars for each offence, one-half to go to the prosecutor, and the other half to the State.

Charters of all corporations violating or evading the provisions of this act, to be forfeited.

May be pleaded in bar, when.

Change of venue may be awarded.

Penalty on broker, exchange dealer, &c., for violating this act.

No person, corporation, &c., as agent of foreign corporation, shall keep a banking house, &c.

SEC. 9.—The charters of all corporations, within the limits of this State, (the Bank of the State of Missouri and its branches inclusive,) violating or evading any of the provisions of this act, shall be forfeited for any such violation or evasion; and the fact of the forfeiture, or any violation or evasion of this act, or any part thereof, may be pleaded in bar to any suit brought by them, and, if denied, the trial of the question of such forfeiture, violation or evasion, shall be adjourned, under the direction of the court, and change of venue awarded, upon the application of the defendant, to some county in which such corporation is not situate.

SEC. 10.—Any money broker, exchange dealer, or any member or officer of any corporation, within the limits of this State, (the officers and members of the Bank of the State of Missouri inclusive,) or any other person whatever, who shall violate or evade any of the provisions of this act, shall be fined in a sum not less than one hundred dollars, for the first offence, and shall be fined in a sum not less than five hundred dollars, for each subsequent offence, to be recovered by indictment, for the use of the State.

SEC. 11.—No person, association of persons (a) or corporation, as the agent of any foreign corporation or unincorporated banking company, shall, within the limits of this State, keep any banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, or in any manner deal in buying or selling bills of exchange, checks, drafts, or in discounting bills or notes, or by or through the means of such banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, loan,

(a) The word "associated" occurs in the enrolled bill, instead of the words, "association of persons;" corrected by original bill. See, section 12 of the Revision of 1845, and section 12 of this act.

issue, emit, circulate, pass or pay, or tender in payment, any notes or bills of such foreign corporation or unincorporated banking company.

SEC. 12.—If any person, association of persons, or corporation, shall violate the provisions of the preceding section, such person, association of persons, or corporation, shall forfeit the sum of one thousand dollars, to be recovered by indictment, or by civil action in the name of the State, one-half to the use of the prosecutor, and the other half to the State.

SEC. 13.—Every day during which, or any part of which, such prohibited banking house, agency or office, is kept open, or such prohibited business, or any of it, is transacted, shall constitute a distinct offence.

SEC. 14.—All bonds, bills or notes, or other instruments of writing, securing the payment of any money or bank notes, loaned or advanced by any foreign corporation or unincorporated banking company, situated or located, or which is doing business by its officers or agents, within this State, to such foreign corporation or unincorporated banking company, or executed to any agent, or person holding himself out as agent of such corporation or unincorporated banking company, or to any corporation or person, whether such bond, bill or note, or other instrument of writing, be made payable, or made to secure the payment of such loan of money or bank notes, to such foreign corporation or unincorporated banking company, or to the agent thereof, for the use of the same, or to such agent, or any other person or corporation, either directly or indirectly, for the use of such foreign corporation or unincorporated banking company, in whatever name or form the same may be drawn, shall be taken and held as utterly void and of non-effect.

Approved December 8, 1855.

*Revised in R.S. 1865 by
eliminating sections
567849*

Penalty for violating the provisions of preceding section.

Every day on which such banking house is kept open, declared a distinct offence.

All bonds, &c., securing the payment of money loaned or advanced by foreign banking company, or agent thereof, utterly void, &c.

§ 2. — That Thomas Hash, of Lawrence county; John M. Rayton, of Barry county; and Alexander McLaughlin, of Barry county, are hereby

ALIENS.

AN ACT in behalf of alien heirs and devisees.

- § 1. Alien heirs authorized to sell real estate within a limited time, which they may inherit in this state.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall hereafter be lawful for every alien who, except for his alienage, would be entitled to any real estate by devise or inheritance from any person hereafter dying, capable at the time of his death of holding real estate situate in this state, to legally sell, for his own use, and convey the title thereof to any person capable of holding real estate situate within this state; *provided*, he make such sale and conveyance within three years next after the death of him from [whom] he shall claim such devise or inheritance.

§ 2. If any such alien be a minor under the laws of this state, such sale and conveyance may be made by a guardian, who shall be a citizen of this state; and all sales and conveyances under this act shall be according to the powers prescribed by the laws of this state.

This act shall take effect and be in force from and after its passage.

Approved February 22, 1855.

* PROPOSED AMENDMENT TO THE CONSTITUTION.

Resolved by the General Assembly of the State of Missouri, two thirds of each House concurring therein, That all that territory, now known as the county of Schuyler, is hereby declared to constitute a constitutional county, and as such, shall be entitled to all the privileges, civil and political, which now belong to any county within the state of Missouri.

Approved February 18, 1855.

PROPOSED AMENDMENT TO THE CONSTITUTION IN RELATION TO BANKING.

- § 1. Amendment proposed to increase number of banks with certain restrictions.

Resolved by the General Assembly of the State of Missouri, two thirds of each House concurring therein, That the following be proposed as an amendment to the constitution of this State:

§ 1: Article eight of the constitution of the state of Missouri respecting banks, be, and the same is hereby abolished, and the following substituted in lieu thereof:

Article VIII. The general assembly shall have power to establish such bank or banks as may be deemed necessary for the interests of the state;

*Adopted instead of proposed

but every bank so established shall be based upon a specie capital, and made liable to redeem its issues in gold or silver; *provided*, that the number of banks chartered shall never exceed ten, and the aggregate amount of capital shall never exceed twenty millions of dollars.

Approved March 3, 1855.

Constitutional Amendment Adopted 1/16/57

APPROPRIATIONS.

AN ACT appropriating money for the support and enlargement of the State Lunatic Asylum.

- § 1. Fifty thousand dollars appropriated to the state lunatic asylum;
 § 2. Former law respecting an idiot repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of fifty thousand dollars be, and the same is hereby appropriated, out of any moneys in the treasury of the state not otherwise appropriated, for the use of the state lunatic asylum, to be expended and applied by the managers of said state lunatic asylum, in payment of the present indebtedness of said asylum, and for such current and incidental purposes and expenses as the said managers may deem of necessity for the utility of the asylum and welfare of the insane; and the treasurer of the state is directed to pay to the treasurer of the state lunatic asylum, upon the warrants of the auditor of public accounts, such sum or sums of money appropriated by this section, as may be certified by the managers as required for the use of the asylum; such requisitions on the auditor shall be signed by at least two of the managers, and they shall be made not oftener than quarter yearly from the first of April, 1853; they shall not be at one time for a larger amount than six thousand dollars; *provided*, a sum not exceeding twenty thousand dollars may be drawn upon the passage of this act; and, *provided*, they shall not, in the aggregate, exceed the amount appropriated by this section.

§ 2. The act approved February 24, 1853, entitled, an act to authorize the guardians of Theodore McGready (an idiot) to place their ward in the lunatic asylum, and for other purposes, is hereby repealed. The managers of the state lunatic asylum are directed to cause to be paid to his heirs at law and their proper curators or guardians, if any be minors, the sum of eight hundred dollars out of the money appropriated by the last preceding section of this act.

§ 3. The further sum of ten thousand dollars is hereby appropriated, out of any money in the treasury of the state and not otherwise appropriated, to the use of the said lunatic asylum, to be expended and appropriated by the managers of said asylum, in finishing and furnishing the pavilion and wing, now in progress, and for such other improvements as the board of managers may deem most advantageous to the interests of the asylum; *provided*, the contracts for such work shall not exceed the sum appropriated by this section, and payments, in discharge of such contracts, and for the work and labor specified in this section, shall be made to the

AMENDMENT ARTICLE X, 1854-55

Proposed by the Seventeenth General Assembly at their second session, begun and held at the city of Jefferson, on the twenty-seventh day of December, one thousand eight hundred and fifty-two, and ratified at the first session of the Eighteenth General Assembly, begun and held at the city of Jefferson, on the twenty-fifth day of December, one thousand eight hundred and fifty-four.

That all that territory now known as the county of Schuyler is hereby declared to constitute a constitutional county, and, as such, shall be entitled to all the privileges, civil and political, which now belong to any county within the State of Missouri.

AMENDMENT 1855-57

Proposed by the Eighteenth General Assembly at their first session, begun and held at the city of Jefferson, on the twenty-fifth day of December, one thousand eight hundred and fifty-four, and ratified at the first session of the Nineteenth General Assembly, begun and held at the city of Jefferson, on the twenty-ninth day of December, one thousand eight hundred and fifty-six.

Article eight of the constitution of the State of Missouri, respecting banks, be, and the same is hereby, abolished, and the following substituted in lieu thereof:

"ART. VIII. The general assembly shall have power to establish such bank or banks as may be deemed necessary for the interests of the State; but every bank so established shall be based upon a specie capital, and made liable to redeem its issues in gold or silver: *Provided*, That the number of banks chartered shall never exceed ten, and the aggregate amount of capital shall never exceed twenty millions of dollars."

administration of said estate; and it shall be the duty of the Clerk of the County Court of Monroe county to file the same in his office.

§ 2.—That, upon the filing the papers in the office of the Clerk of the County Court of Monroe county, the County Court of said county of Monroe shall have and exercise the same jurisdiction of the administration on said estate as if the mansion-house, or place of abode, of the said Wal-tour Robinson had been situated in Monroe county at the time of his death; and the executrix of said deceased shall, in all respects, be governed by the laws and statutes of this State relating to executors and administrators.

§ 3.—The executrix of said deceased shall give bond, to [be] approved by the County Court of Monroe county; and, after the approval of such bond, the securities on the present bond of the executrix of said deceased shall be released from all liabilities, as such, accruing thereafter; and the letters testamentary, granted by the County Court of Lawrence county, shall, in all respects, remain valid, and have effect, as if the administration had remained in Lawrence county.

This act shall take effect from and after its passage.

Approved January 17, 1857.

BANKS.

AN ACT to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners.

ARTICLE I.

OF BANKS AND BANKING.

- § 1. Every Bank incorporated to be governed by this act.
2. Corporate powers of Banks chartered by the State of Missouri.
3. Capital stock of each Bank.
4. Denomination of notes to be issued, and kind of notes to be received and paid out by Banks.
5. Quarterly statements; liabilities of directory; weekly statements by city Banks.
6. Branch Banks to furnish statements to Parent Banks quarterly; to be sworn to.
7. Books, papers, &c., subject to inspection of Directors, and other officers; and, also, to legislative committee.
8. When charter violated; duty of the Governor.
9. Effect of suspending specie payment.
10. Officers of the Bank to give bond.
11. Punishment for embezzlement; making false entries upon books, &c.
12. Books to be opened for the subscription of the capital stock.
13. No Bank to go into operation until one-tenth of its capital stock shall have been paid.
14. Ten per cent. of capital stock to be invested in State bonds.
15. Banks to set aside two per cent. as a contingent fund; to be invested in State bonds.
16. When Bank may sell State bonds.
17. When the Bank shall reinvest the amount in State bonds.
18. Number of shares each subscriber shall be entitled to.
19. Number of votes each stockholder shall be entitled to.
20. Corporation shall not be dissolved for failing to elect Directors on day appointed.
21. Every President, Cashier, &c., to take an oath before entering on duties of office.
22. Directors shall receive no emolument; but may allow the President compensation.
23. Directors of Parent Bank to divide themselves into two classes.
24. All Banks chartered under this act exempted from the provisions of an act concerning corporations, approved November 28, 1855.

25. Persons subscribing for Bank stock shall pay ten per cent., &c.
26. Amount of real estate that may be held by each Bank.
27. The Banks, once in five years, shall have weights proved and sealed by Bank Commissioner.
28. Bank shall not take, as security, a transfer of its own stock; nor shall any officer act as proxy to vote stock; nor any person be a Director in two Banks at same time, &c.
29. Every Parent Bank shall have a Board of not less than thirteen Directors, &c.
30. No Bank to employ more than five-eighths of its capital in exchange.
31. Each Branch Bank shall have a Board of nine Directors—one of whom shall be elected President.
32. Each Banking Company to pay the State, annually, one per cent. on amount of capital stock.
33. Rate of interest to be charged by Banks.
34. Power to declare semi-annual dividends.
35. Bank not to require a town or city indorser; when security offered shall be deemed good.
36. Proprietors of one-fifth of capital stock of any Bank, may call meeting of stockholders.
37. Proportion of notes to capital stock, and specie on hand, to be issued.
38. Governor to appoint Directors, in what case.
39. How vacancies in Board of Directors shall be filled.
40. When Directors may call special meetings of stockholders.
41. When Directors of Banks shall be first chosen, and when elected thereafter.
42. No Bank to issue notes payable out of the State of Missouri.
43. No Bank to receive in payment of debt, or receive on deposit, any funds but gold or silver, or notes of specie paying Banks of this State.
44. All drafts, notes, bills of exchange, &c., made payable in gold and silver, or notes of specie-paying Banks.
45. Restrictions on stockholders.
46. No loan or discount shall be made, or bill issued, except at Banking-house or Branches.
47. No Bank shall employ its moneys in trade or commerce.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—Every Bank which now is, or shall hereafter be, incorporated under the authority of this State, shall be subject to the liabilities, and governed by the rules, contained in this act.

§ 2.—The Banks chartered by the State of Missouri, under their name and style, as named in their respective charters, and the owners of the capital stock of each, shall be, and are hereby, made able and capable in law, and in equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or in any other place whatever, and to make and use a common seal, and the same to break, alter and renew at their pleasure, and to make and establish such by-laws as may be necessary and convenient for the government and management of said Banks, not being contrary to the constitution and laws of the United States, or of this State, and generally to do and execute such things and acts, as corporations or bodies politic, in law, may or can, lawfully do and execute.

§ 3.—No banking company shall be incorporated with less than one million dollars of capital stock, to be divided into shares of one hundred dollars each.

§ 4.—All Banks established in pursuance of this act, may issue bills and notes of the denomination of five, ten, twenty, fifty, one hundred, five hundred, and one thousand dollars, and none other; and no Bank or its branches shall receive, pay out, or in any manner deal in any bank notes issued by any Bank located out of this State, or established by the laws of any other State or Territory, but may receive and pay out the notes of any Bank or branches thereof, established by the authority of this State; but no Bank shall pay out the bills or notes of any other Bank or Branch Bank, excepting such as it will receive at par in payment of debts due the Bank.

§ 5.—Every Bank shall, during the time of its existence as a corporation, publish quarterly, in at least two newspapers, printed in the town or city in which it is located, and in one newspaper, printed in the county in which it has a branch located, a full, complete, and accurate statement of its affairs, property, assets, and business, which shall show—

First, The amount of its capital stock actually paid in.

Second, The amount of real estate held by the Bank and branches.

Third, The amount of gold and silver coin and bullion on hand.

Fourth, The amount of notes of other Banks.

Fifth, The amount due from all other sources.

Sixth, The amount of undivided profits, and the amount of State bonds on hand.

Seventh, The amount of its notes and bills in circulation.

Eighth, The amount due by the Bank to all other Banks.

Ninth, The amount due to depositors.

Tenth, The total amount of debts and liabilities of every description.

Eleventh, The amount on hand of bills discounted, exchange maturing, and the amount of suspended debts.

Twelfth, The aggregate amount of liabilities of all Directors, as principals and indorsers. Every Bank located in the city of St. Louis shall publish, in at least one newspaper published in that city, a weekly statement of the coin on hand, bills maturing, and the amount of its circulation.

§ 6.—All Branch Banks, established in pursuance of this act, shall furnish to their respective Parent Banks, a full and complete statement of their condition, embracing all the foregoing particulars, by which the Parent Bank may be enabled to include, in its published quarterly statement, a full, complete and accurate account of the condition of all the branches, as required by the foregoing provisions; which several statements shall be certified and sworn to, as correct, by the Cashier or President of the respective Banks and branches.

§ 7.—The books, papers, correspondence and funds of every Bank shall be, at all times, subject to the inspection of the Directors, the Governor of the State, Bank Commissioner, Assistant Bank Commissioner, or any agent thereto appointed by law, or by said Bank Commissioner, or any one lawfully empowered to appoint such person or agent. And any person, so appointed or empowered by law, may, at all times, enter into any Bank or its branches, with or without previous notice, and immediately have access to all the books, papers, funds and effects of the Bank, so as to enable him to make a thorough examination of the true condition thereof; and such Bank and branches shall, at all times, be subject to examination and inspection, of any legislative committee appointed by either House, or both Houses of the General Assembly.

§ 8.—If, upon investigation of the condition or affairs of any Bank or branch Bank, it shall appear to the Governor, Commissioner or legislative committee, that the charter of such Bank has been violated, or that its affairs and business are in an unsound condition, or that the provisions of this act have been violated, or not carried into effect, according to their true intent and meaning, then it shall be the duty of the Governor of the State, upon information derived from his own examination, from the examination of any Commissioner, or any one legally appointed by said Commissioner, or the finding of any legislative committee, to sue out from the circuit court of the county where such Bank or branch Bank is located, a

writ of *scire facias*, which shall be served on the Cashier or President of such Bank, together with written specifications, stating in what manner this act, and the charter of such Bank, has been violated, evaded or avoided, at least ten days before the return day thereof. Upon the return of such *scire facias* the judge of such circuit court shall set a day for the trial of such cause, and such court shall proceed to inquire into the truth of such alleged violations, evasions or avoidance; trying all matters of fact by a jury, empaneled for that purpose; and if such violations be made to appear, said court shall pronounce the charter of such Bank annulled and forfeited; and upon a certified transcript of such proceedings being delivered to the Governor, he shall, at once, place the said Bank, its affairs and business, in the hands of trustees, to be administered and wound up in the manner hereinafter provided, in case of suspension of specie payment.

§ 9.—No Bank or branch Bank shall, at any time, suspend or refuse the payment, in gold or silver coin, of any of its notes, bills, or obligations, nor of any money received upon deposit, demanded by the holder or depositor, at the place where the same is made payable; and, in case of such refusal, the holder of such note, bill, or obligation, or the person entitled to receive such money, shall, respectively, be entitled to receive interest from the time of such demand and refusal, at the rate of twenty per cent. per annum, until paid. And should any Bank or branch Bank, at any time, suspend specie payment, as aforesaid, for the period of ten days, the charter shall cease and determine, and its affairs and business shall be placed in the hands of trustees, as required by section eight of this act; and the said trustees shall first pay the bill-holders, and then, *pro rata*, the depositors, and other legal liabilities of such Bank; and, if there be a surplus of assets, after paying all liabilities, such surplus or excess to be paid, *pro rata*, to the stockholders; and said trustees shall have power and authority to manage and control the affairs of said Bank, as in their judgment, with the approval of the Bank Commissioner, will foster the interest of the creditors and stockholders, and work the least injury or distress to debtors, or prejudice to the community.

§ 10.—It shall be the duty of the Board of Directors to require the Cashier, Teller, and other officers of the Bank, to give bond, payable to the State of Missouri, conditioned for the faithful performance of their duties, in such sums as may be fixed by the by-laws of the Bank.

§ 11.—If any President, Cashier, officer, agent, or servant of any Bank, shall embezzle or appropriate any of the funds of said Bank to his own use, with intent to cheat or defraud said institution, or shall fail to make correct entries, or shall make false entries upon the books, with intent to defraud such Bank, or any party whatever, such officer, agent, or servant, shall be deemed guilty of felony, and shall be sentenced to confinement in the penitentiary for not less than two, nor more than twenty, years.

§ 12.—Books for subscription to the capital stock of any Bank chartered by the General Assembly of this State, shall be opened at some suitable place in the town where the proposed Bank is to be located; due notice of which shall be given in at least two newspapers, if located in the city of Saint Louis, and one newspaper published in the county in which the Bank is located, if out of the city of Saint Louis, for at least two weeks previous to the day of opening such subscription books, which books may be opened under the supervision of any two of the incorporators, and shall be kept open

during the usual business hours of each day, for not less than ten days, when the same may be closed, and an election held for Directors; after which election, the subscription books shall again be opened, under the supervision of any two of the Directors, and remain open for a period of six months, or until all the stock is taken; after which period of six months, the same shall be reopened and closed, from time to time, not less than one week in every three months, as the Directors may determine, and of every opening of the books, notice as aforesaid shall be given; *Provided*, That if, at the end of three years from the date of this act, the whole capital stock shall not be subscribed, then the unsubscribed portion of the capital stock of such Bank shall revert back and form part of the banking capital authorized by the constitution of this State, and the amount then actually subscribed and paid in shall be the capital of such Bank. It shall, nevertheless, be in the power of any subsequent General Assembly, assembled within six years after the date of this act, to declare the capital stock of such Bank insufficient in amount—unless the same amount to the sum of five hundred thousand dollars—to warrant its continuance as a banking corporation, and may direct and provide for the closing of its business, and the winding up of its affairs.

§ 13.—No Bank shall go into operation until at least one-tenth of its chartered capital stock shall have been paid, in gold and silver coin, and the same shall have been examined and counted by the Bank Commissioner, or some person or persons appointed by him; and they shall also examine the Directors, on oath—which they may administer—to ascertain that such money has been paid in by the stockholders, toward the payment of their respective shares, and for no other purpose, and that it is intended as a part of said capital, and may make all other investigations necessary to satisfy themselves of the true payment of said money, in good faith; and, upon satisfactory report to the Bank Commissioner, he shall authorize said Bank to commence business, by issuing to the President thereof a certificate to that effect; which certificate shall be published in one or more newspapers published in the county where such Bank is located; a copy of the report and certificate, so issued thereon, shall be recorded by such commissioner in the book of the registry of bank notes.

§ 14.—The President and Directors of each and every Bank incorporated in this State, under the provisions of this law, or by virtue of any law hereafter passed, shall, within twelve months from the time said Bank shall commence the business of banking, cause to be invested an amount of its issue equal to ten per cent. of its whole capital stock paid in; and also, ten per cent. on all stock subsequently paid in, within twelve months after it is paid in, in the discount or purchase of the bonds of the State of Missouri, or such as may have been issued by any railroad company in the State, and for which the State may be liable as indorser or security; *Provided*, That such bonds can be purchased at a price below par; which bonds, when purchased as aforesaid, shall be kept by the Bank, as other bills receivable, and shall not, at any time, be offered for sale by the Bank for a sum less than their par value, unless, in the opinion of the Board of Directors, the exigencies of the Bank shall require their sale and conversion; and, in that event, the fact shall be presented by the Board to the Bank Commissioner, and his consent to such sale and conversion obtained. The mother Bank shall make the purchase of said bonds for the branches; and

a willful failure, by any Bank, to comply with the provisions of this section, shall be deemed a violation of its charter; and a neglect or refusal to purchase at current rates, below par, shall be deemed a willful failure.

§ 15.—It shall be the duty of all Banks in the State to set aside at least two per cent. per annum of their respective net earnings, as a contingent fund; which contingent fund shall, by the Board, be invested in State bonds, such as mentioned in the preceding section, in case said bonds are below par; and said bonds shall be kept by the Banks, unless a sale be required to meet losses or other exigencies of the Banks, or unless the bonds reach a par value in the market.

§ 16.—If, at any time during the existence of any Bank, the State bonds held and owned by it, as in this act required, shall assume in the stock market a par value, and said Bank can dispose of them at a sum not less than par, then such Bank can make a statement of such fact to the Bank Commissioner, who shall give his written consent that said bonds may be sold; when the Bank, in its discretion, may convert the same.

§ 17.—Should the bonds held or owned by any Bank be sold at any time, as provided in this act, either to meet exigencies or losses, or because the bonds are at par, or for any other cause, it shall be the duty of such Bank, under the direction of the Bank Commissioner, so soon as the exigency requiring their conversion has passed, or the loss been repaired, or the cause been removed, to reinvest the amount required by this act, in said bonds: *Provided*, they can be procured at a sum below par. The design of this act being, that all Banks in this State shall invest the amount mentioned in State stocks, and shall, at all times, keep said amount on hand, except when the condition of the Bank, in the opinion of the Directors and the Bank Commissioner, requires their disposal.

§ 18.—Whenever books for subscription to the capital stock of any Bank, or branch Bank, shall be opened, and as often, from time to time, as such books shall be opened, whether an original or continued subscription, subscribers to said stock shall be entitled thereto as follows: All persons subscribing for five or less number of shares offered, shall be entitled to the number of shares subscribed by them, respectively, in full; *Provided*, there be a sufficient number of shares to fill each subscription; and if not, then preference shall be given in the order in which the subscribers' names were entered in the books of subscription; and after all persons who shall have subscribed for five shares of stock shall have received their amount of subscription, then all subscribers from five to ten shares shall be entitled to the number subscribed by them in full; *Provided*, there be a sufficient number of shares of stock remaining to supply them; and if not, then preference shall be given as above provided. And after all persons who have subscribed for ten shares of stock shall have received their amount of subscription, then all subscribers, from ten to twenty shares, shall be entitled to the number subscribed by them in full; *Provided*, there be a sufficient number of shares remaining, and if not, then preference shall be given to the subscribers in the order which their names are entered in the books of subscription; and after all persons who shall have subscribed for twenty shares of stock shall have received their full amount, then all subscribers from twenty to forty shares shall be entitled to the number of shares subscribed by them in full; *Provided*, there be a sufficient number of shares; and if not, then preference shall be given to the subscribers in the order in which their names are entered in the books of subscription;

and after all subscribers for forty shares shall have received their number in full, then all subscribers for from forty to one hundred shares shall be entitled to the number of shares subscribed by them in full; *Provided*, there be a sufficient number of shares remaining; and if not, then the excess of the number of shares, subscribed over the number of shares then remaining, shall be reduced by diminishing the number of shares subscribed in this order, to wit: by beginning with the subscriber to the highest number of shares, and reducing his number to that of the next highest; and if there will not then remain sufficient shares to fill all the subscriptions, by reducing still further the highest subscriptions to the next highest, until by scaling down, always from the remaining subscriptions, the number of shares subscribed for, as thus reduced, will be equal to the remaining stock; it being intended that all excess of subscriptions shall be taken from the largest subscriptions, in such manner that no subscription shall be reduced while one remains larger; and in case such scaling reaches the lowest subscriptions over forty shares, the stock remaining shall be divided equally amongst all the subscribers; and in like manner shall be disposed of, all subscriptions for from one hundred to two hundred shares, and for from two hundred to three hundred shares, and for from three hundred to four hundred shares, and for from four hundred to five hundred shares; and no person shall ever be permitted to subscribe for over one thousand shares of stock in any Bank; nor shall any person be permitted to subscribe for or to own over five hundred shares of the stock of any Bank within six months after the books of subscription for any stock therein shall have been first opened; and after such period of six months, any person may subscribe for additional stock to an amount not exceeding one thousand shares.

§ 19.—Every stockholder shall be entitled to vote, according to the number of shares he may hold in the following proportion, that is to say: for each and every share, not exceeding one hundred, one vote; for every two shares above one hundred and under two hundred and fifty, one vote; and for every three shares over two hundred and fifty, one vote. At every election, any stockholder of any Bank, who shall have held his stock for which he votes three calendar months previous to the day of election, shall be entitled to vote according to the above provision.

§ 20.—If, at any time, an election for Directors of any Bank should not be held on the day appointed, the corporation shall not be dissolved for that cause, but such election may be held on any other day, and the old Board shall hold over in full power, until the new Board are elected and qualified.

§ 21.—Every President, Cashier, or other officer of the Bank shall, before entering upon the duties of his office, take and subscribe an oath, that he will honestly, faithfully, and impartially discharge all his duties, as such officer, according to law, and that he will faithfully observe, and carry into effect, the provisions of this law and the charter of said Bank.

§ 22.—The Directors of a Bank shall receive no emolument, but they may allow the President a reasonable compensation for his services; they shall elect or appoint a Cashier, Teller, and other officers; may remove them at pleasure, fix their salaries and manage the affairs of the Bank to the best advantage; they shall keep regular and correct minutes of the proceedings of the Board of Directors. All the Directors shall be stockholders in the Bank, and citizens of the State of Missouri, and shall be

elected as directed in this act. The ayes and noes shall be entered on the minutes, when demanded by any Director.

§ 23.—Immediately after the first election of Directors for any Parent Bank, it shall be their duty to divide themselves into two classes, the first, numbering six of them, shall hold their offices for a period of one year, and until their successors are elected and qualified; and the remaining seven shall hold their offices for the period of two years, and until their successors are elected and qualified; and, at each annual election, only the places of the retiring Directors shall be filled, but all the Directors of the Branch Banks shall be elected annually.

§ 24.—All Banks and banking companies chartered under this act, or made subject to the provisions thereof, are hereby exempted from the provisions of the first article of an act concerning corporations, approved November 23, 1855.

§ 25.—Any person subscribing for bank stock shall pay ten per cent. thereof at the time of subscribing the same, to the person or persons in charge of the subscription books, and shall pay the remainder thereof in such installments as may be required by the Directors; *Provided*, That the whole amount thereof shall be paid within twelve months from the time of subscribing, and a failure to pay such installments when due, may, in the discretion of the Board, be declared to work a forfeiture of the stock, together with the amount already paid in on such stock.

§ 26.—Each Bank may hold such real estate as may be required for the convenience and accommodation of said Bank and Branches, and such as may be conveyed to the same, in payment of debts previously contracted in good faith, and without a view to the purchase thereof; and, also, such as may be purchased at sales upon judgments and decrees in favor of the Bank, when it shall be purchased in order to secure the debt. But the Bank shall, as soon as practicable, under the direction of the Board, dispose of all real estate held by it, which is not necessary to the transaction of its business.

§ 27.—The Banks shall, at least once in every five years, have all the weights used therein, to be compared, proved and sealed by the Bank Commissioner, or by some one specially deputed by him for that purpose.

§ 28.—No Bank shall take, as security, a transfer of its own stock for any loan or discount; no officer of any Bank shall, in any election, act as proxy to vote stock; no person shall be a Director in two Banks at the same time, and no copartners shall, at the same time, be Directors in the same Bank.

§ 29.—Every parent Bank shall have a Board of not less than thirteen Directors, one of whom shall be elected President by said Directors; any five of whom shall constitute a quorum to discount bills or notes and transact ordinary business of the Bank. In the absence of the President a president *pro tem*. may be appointed.

§ 30.—No Bank chartered under this act shall, at any time, employ more than five-eighths of its capital, actually paid in, in dealing in exchange.

§ 31.—Each and every branch Bank shall have a Board of nine Directors, four of whom shall be elected by the Directors of the parent Bank, and five by the stockholders, who shall have subscribed for the stock at the place of the location of the branch Bank, one of whom shall be elected by said Directors President of said branch Bank; and, in his

absence, they may appoint one of their own number President *pro tem*. Any three Directors shall constitute a quorum on regular, discount days; on any other days five shall constitute a quorum to do business.

§ 32.—In consideration of the privileges granted by this act, to the Banks incorporated in this State, each banking company agrees to pay to the State annually, one per cent. on the amount of the capital stock paid in by the stockholders other than the State, which shall be in full of all bonus and taxes, to be paid to the State by the respective Banks; which amount, when received by the Treasurer, shall be by him immediately placed to the credit of the "State Interest Fund," and it shall form, permanently, a part of said fund.

§ 33.—No Bank shall, directly or indirectly, receive or demand, by way of interest or discount, more than six per cent. per annum on paper, not having over one hundred and twenty days to run until due, and seven per cent. on all paper having one hundred and twenty days, and not more than six months, to run until due; the interest to be computed according to the ordinary rules of banking institutions. And nothing in this act shall be construed so as to prevent any Bank from demanding and receiving a reasonable premium on exchange, in addition to interest, upon all notes, bills or obligations, payable beyond the limits of the county where the Bank is located.

§ 34.—The Banks shall have power to declare semi-annual dividends of the net profits thereof, but no such dividends shall be made so as to impair the capital stock.

§ 35.—No Banks shall require a city or town indorser, when the security offered on application for loans, shall be deemed good.

§ 36.—The proprietors of one-fifth part of the capital stock of any Bank may call a meeting of the stockholders, by giving notice of such meeting in the manner provided for notifying the annual meeting.

§ 37.—No Bank shall, for the first year after it commences the business of banking, issue notes for circulation, more than two dollars for one dollar of capital stock paid in, in gold and silver; and, after the first year, and within two years from the time it commences business, the amount may be increased to two dollars and a half for every dollar of capital thus paid in; and, after the said period of two years, the amount may be increased to three dollars for one of stock paid in, as above required, and no more; but the amount of gold and silver on hand shall not, at any time, be less than thirty-three and a third per cent. of the amount of notes of said Bank in circulation; and if, at any time, by an extra demand for specie, the proportion of gold and silver on hand should be less, the Bank shall curtail her discounts and exchange until the above proportion is re-established. And if not re-established within ten days from its occurrence, it shall notify the Bank Commissioner of the fact, and he shall proceed to examine the condition of the Bank and branches, and shall take such action as he may deem proper; and a failure so to notify the Commissioner shall be deemed a violation of this act, and it shall be the especial duty of said Commissioner, in his examination of said Bank, to see that said proportion of issue is not exceeded, and if so exceeded, he shall notify the Bank to supply the deficit of coin in ten days, and if it be not supplied to the satisfaction of the Commissioner in the time mentioned, he shall cause a *scire facias* to be sued out as herein provided, and the same proceedings shall be had as mentioned in section eight, of this act.

§ 38.—Should the State subscribe for and own any stock, in any Bank, the Governor, by and with the advice and consent of the Senate, if in session, shall, from time to time, appoint a number of Directors, in such proportion to the whole number as the sums paid by the State, towards the stock of said Bank, shall bear to the whole amount of stock actually paid in.

§ 39.—All vacancies in the Board of Directors shall be filled by the remaining Directors, except the Directors on the part of the State, who shall be appointed by the Governor. If the Senate be not in session, the Governor shall appoint Directors, subject to approval by the Senate, so soon as it shall meet.

§ 40.—The Directors may call special meetings of the stockholders as often as the interest of the Bank shall require it.

§ 41.—The Directors of every Bank shall be first chosen, at any time the Bank may be ready to go into business, for which purpose the commissioners opening the books and receiving subscriptions of stock, may call the first meeting of the stockholders; but all elections of Directors, after the first, shall be held on the first Monday in March, in each and every year. Said elections to be held where the Bank is established, at such time and place as the Directors may designate. Previous public notice of such election shall be given, for at least three weeks, by publication in some newspaper printed in the town or county where such Bank is located. And the election for the Directors of the Branch Banks shall be held at the same time, unless the Directors shall, by by-law, fix some other time.

§ 42.—No Bank shall issue any notes for circulation that are made payable out of the State of Missouri, or at any place other than at the Bank or its Branches.

§ 43.—No Bank shall take, in the payment of debts, or receive on deposit, any funds but gold and silver, and the notes of specie-paying Banks of this State.

§ 44.—All drafts, notes, money-orders, bills of exchange, and checks drawn by individuals, companies, private firms, brokers, banking-houses, or Banks, on brokers, banks, or incorporated companies, payable in currency, are hereby made payable in silver and gold, or the notes of specie-paying Banks of the State of Missouri; and all such paper, drawn by any Bank, broker, or incorporated company, or any individual, company, private firm, or incorporated company, shall be payable in like manner.

§ 45.—No loan shall be made to any stockholder who is in arrears on installments due for stock; and no stockholder shall transfer his stock, so as to release himself from liability, until the whole thereof shall have been paid in.

§ 46.—No loan or discount shall be made by any Bank, or any bill be issued by the same, or by any person or persons on its account, at any place other than the banking-house of the Bank or its branches.

§ 47.—No Bank shall use or employ its moneys, or any part thereof, its goods, chattels, or effects, in trade or commerce; but any Bank may sell all kinds of property held by it, in pledge.

ARTICLE II.

OF THE ESTABLISHMENT OF BRANCH BANKS.

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| <p>§ 1. Every Parent Bank of a capital stock of one million, shall have not less than two Branches, each with a capital of not less than one hundred thousand dollars.</p> <p>2. Books for subscription to capital stock of Parent Bank shall be opened where Branch Banks are located.</p> | <p>3. How Branch Banks are to be organized.</p> <p>4. Net earnings of Branch Banks, how disposed of.</p> <p>5. Proceedings, where capital stock not taken previous to organization of Branch Bank.</p> |
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§ 1.—Every parent Bank, of a capital stock of one million dollars, shall have not less than two Branches, each with a capital of not less than one hundred thousand dollars, and the aggregate of the same, not to exceed two-fifths of the capital of the parent Bank; and every parent Bank with a capital stock of more than one million dollars, shall have not less than three branches, each with a capital of not less than one hundred thousand, nor in the aggregate, of more than two-fifths of the whole capital; and the said two-fifths shall be reserved by the parent Banks for subscription at the respective branches, for a period of three years after the parent Bank shall have gone into operation, and if the requisite subscription be not made at any branch to entitle said branch to commence operation in the time herein mentioned, then such reserved subscriptions may be taken at the parent Bank; *Provided*, That all capital of the Bank over and above three-fifths of the whole amount when paid in, shall be applied to the establishment of its branches. Said branches to be established as the parent Bank may direct; in case there be no branch subscriptions, and should all the stock be subscribed at the parent Bank, under the provisions of this section, then all the branches shall be established as herein provided.

§ 2.—Books for subscription to the capital stock of the parent Bank shall be opened at the place where Branch Banks are located, within six months after the parent Bank shall commence business, under the superintendence of two or more commissioners, appointed by the parent Bank for that purpose; and as soon as fifty thousand dollars, or more, are subscribed under the provisions of section twelve, of article first, of this act, the commissioners shall notify the subscribers and the parent Bank of the fact, and shall fix a day, not more than ten days distant, for the meeting of such subscribers, to elect five Directors for such Branch Bank, who shall not be allowed to vote for Directors of the parent Bank, in which election the ratio of voting shall be as prescribed in section nineteen, article first, of this act, and the parent Bank shall, within ten days of the election of such Directors, appoint four Directors for said Branch Bank, who shall, as soon as convenient thereafter, assemble, with the Directors elected as aforesaid, and elect one of the nine President of such Branch Bank; all of whom shall take the same oath as the Directors of the parent Bank; and, as soon as organized as a Board, they shall provide a banking-house or place of business, appoint a Cashier, and such other officers and servants as they shall deem necessary to carry on the business of such Branch Bank, fix their compensation, and also that of the President; but no Director shall be allowed any compensation.

§ 3.—As soon as the Board of Directors are organized, and a place of business provided, and the sum of twenty-five thousand dollars paid in, by the subscribers, the President shall notify the parent Bank of the fact, and such parent Bank shall, within ten days after the receipt of such notification, furnish to the branch Bank a like amount in coin, and shall, also, notify the Bank Commissioner that the said Branch is ready to commence business; whereupon the Commissioner shall examine, or cause to be examined, by an agent appointed by himself, the funds on hand in said Branch—the examination to be made as provided for parent Banks—and if said Commissioner be satisfied that the specie funds, derived from stock paid in, are on hand, he shall grant two certificates of the fact, one of which shall be published in some newspaper published in the town where the parent Bank is located, and the other in some newspaper printed in the town or county where the Branch is located, and a copy thereof shall be recorded in the office of the Bank Commissioners. And, thereupon, the Bank Commissioner shall issue to the parent Bank, the notes to which said Branch may be entitled, which said notes shall be immediately transmitted to the Branch.

§ 4.—The net earnings of the branch Banks shall form part of the general dividend fund of the parent Bank, and the per centum required by this act to be set aside as a contingent fund, and the bonus paid to the State, shall be estimated on the whole stock of the parent Bank and branches; and the contingent fund account shall be kept at the parent Bank, which shall, also, pay the bonus of one per cent. to the State, upon the entire capital stock; and all dividends shall be declared and paid at the parent Bank.

§ 5.—In the event that the amount of capital stock, authorized to be subscribed for at the place where a branch Bank is located, shall not all be taken previous to the organization and opening of said branch Bank, the President and Directors of said branch Bank shall reopen said books at the banking-house, and keep them open during banking hours, until the whole amount shall be subscribed; and whenever subscriptions to the capital stock to the amount of ten thousand dollars shall be made and paid in, then it shall be the duty of the President and Cashier to notify the parent Bank of such additional subscription; and the said parent Bank shall, within thirty days thereafter, transmit to such branch Bank a like additional amount in coin and notes for circulation, in the ratio to which such capital is entitled, and every additional paid up subscription of five thousand dollars shall entitle such branch Bank to an additional capital and notes for circulation from the parent Bank, until the whole capital of such branch Bank shall be made up.

ARTICLE III.

OF THE OFFICE OF BANK COMMISSIONERS, AND THEIR DUTIES.

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| <p>§ 1. Office of Bank Commissioners created.</p> <p>2. Appointed for four years.</p> <p>3. Their salaries and bonds.</p> <p>4. Duty of Governor in case of willful neglect or malfeasance in office.</p> <p>5. Duty of Commissioner when notified that the stock of any Bank, or Branch, has been paid in, in gold or silver.</p> | <p>6. Commissioner shall authorize Bank to commence business, when satisfied that the stock has been legally paid in.</p> <p>7. Commissioner shall have notes printed in such quantity as required by law.</p> <p>8. Notes issued to be registered, and countersigned by Commissioner.</p> |
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9. Commissioner shall burn mutilated notes, and deliver new ones to the Bank.
10. Commissioner shall keep his books so as to show separate accounts of circulation of each Bank, number of each note, etc.
11. Commissioner shall, from time to time, examine the affairs of each Bank in the State.
12. Quarterly statements shall be delivered by the Banks to Commissioner.
13. Semi-annual statements shall be made to Commissioners.
14. Commissioners shall, on first days of February and August, make full report to Governor.
15. All notes for circulation shall be made payable at Branch for which they were issued.
16. Each Banking Company shall pay the Commissioner two cents for each note countersigned and delivered.
17. Punishment of Commissioner for issuing, knowingly, a greater amount of notes than authorized by law.
18. Commissioners shall have general power to examine condition of Banks.
19. May make special reports to Governor.
20. In case of suspension of specie payments, Commissioner shall inform the Governor, etc.
21. This law may be modified or repealed by the Legislature.
22. Commissioner shall prepare abstracts of the business of the Banks, etc.
23. No Bank shall discount any note, or bill of exchange, to which either of Commissioners is a party.
24. Commissioners' office shall be kept in St. Louis.
25. Commissioners shall provide a safe and secure vault.
26. The Governor shall fill vacancies.

§ 1.—There are hereby created in this State, the offices of Bank Commissioner and Assistant Bank Commissioner, which said assistant shall be subject, in his official action, to the control and direction of the Bank Commissioner, both of whom shall hold their offices for the period of four years, and until their successors are duly appointed and qualified.

§ 2.—Said officers shall, every four years, be appointed by the Governor, and their appointment confirmed by the Senate.

§ 3.—The annual salary of the Bank Commissioner shall be five thousand dollars; and that of the Assistant Bank Commissioner shall be two thousand five hundred dollars. The former shall execute and file, in the office of the Secretary of State, his bond in the penal sum of one hundred thousand dollars, with good and sufficient securities, to be approved and indorsed by the said Secretary; and the latter shall execute and file a similar bond in the penal sum of fifty thousand dollars; conditioned for the true, perfect, and faithful discharge of their respective duties; and shall make and subscribe an affidavit, before some officer authorized by law to administer oaths, that they will truly, honestly, and faithfully execute all duties enjoined on them by law, and properly demean themselves in office; which affidavits shall also be filed in the office of the Secretary of State; and the said Secretary shall record said bonds and affidavits in a book to be by him kept for that purpose. Said bonds may be sued on by any person or persons injured; and the Governor may, at any time, cause the Attorney-General to commence or prosecute a suit or suits, in favor of the State, against the obligors; and in case it appear that the condition of said bonds, or either of them, has been violated, judgment may be rendered against the principal and securities, for the whole amount of the penalty, and the same may be paid into the State Treasury, subject to the disposal of the Legislature, and a certified copy of said bonds, from the office of the Secretary, shall be evidence in all courts of law in this State.

§ 4.—In case of willful neglect or malfeasance in office, by either of said officers, it shall be the duty of the Governor to cause the affidavits of the said officers to be inquired into by the grand jury of the State court having criminal jurisdiction in the county in which he may reside, and

presentment for perjury may be made and prosecuted in the same manner as in other cases of willful and corrupt perjury.

§ 5.—It shall be the duty of the Bank Commissioner, or his assistant, when notified by any Bank or branch Bank, that a sufficient amount of capital stock has been paid in, in gold and silver, to authorize it to commence the business of banking, as provided by law, to proceed immediately to examine said funds, if the Bank be located in St. Louis, and if not situated in said city, to cause the same to be examined by some suitable and competent person, to be appointed by him, and the Commissioner or person so appointed, shall count the same, and may examine, on oath, the officers and agents of said Bank or branch, touching all matters in reference to said funds, and shall examine the books and all papers connected therewith. The result of any examination made by the person or persons so appointed, shall be immediately reported to such Commissioner, under oath; and any false statement in said report shall subject the party making it, on conviction, to imprisonment in the penitentiary for not less than one, nor more than ten years. And it is made the duty of the Commissioner to cause prosecutions to be had against any person making such false and fraudulent statement.

§ 6.—If said Bank Commissioner shall be satisfied that an amount of gold and silver—sufficient to entitle said Bank, under the law, to commence business—has been legally subscribed and paid in, in good faith, on such subscription, and that no one person or firm has subscribed and paid in more than the sum allowed by the charter at that time, he shall grant to said Bank a certificate of the fact, having recorded the same in the Bank register, to be kept by him; and the publication by the Bank, or branch, of said certificate in one newspaper printed in or nearest to the town in which it is located, shall authorize said Bank to commence the business of banking, and he shall, thereupon, immediately countersign, register, and deliver to said Bank the amount of notes to which it may, for the time, be entitled, by law, to issue; and, in the same manner, he shall afterwards issue to said Bank, the additional amount of notes which may be allowed to it at any future time, so soon as it shall become lawful so to do.

§ 7.—In order to furnish suitable notes for circulation, the Bank Commissioner is hereby authorized and required, at the expense of the Bank demanding the notes, to cause to be engraved or printed from plates, furnished by the Bank to which they are to be issued, such quantity of notes as may, from time to time, be necessary and authorized by law to be issued and circulated by said Bank. But no notes shall be engraved and kept on hand by him beyond what is necessary to be immediately delivered to said Bank. And all plates and dies, or other materials so furnished, shall be and remain under the custody and direction of the Bank Commissioner. All the necessary expenses incident to procuring the plates, dies and materials, and the stationery required for registering the same, and recording the statements and business of each Bank, shall be paid by the respective banking companies of the State, for the use of which they were incurred, before the notes shall be delivered by him to the Bank. He is further authorized to charge and receive, from every banking company, such rate per cent. as may be sufficient to defray its equitable proportion of the general expenses necessarily incident to the execution of this act.

§ 8.—All notes issued by each Bank shall be numbered and registered in proper books, to be provided and kept in his office for that pur-

pose, under his direction, by such person or persons as he may appoint; and said notes shall be countersigned by the Commissioner or Assistant Commissioner, and all notes or bank bills, so countersigned, shall have engraved the words, "countersigned and registered." The notes shall, also, show the date and numbers thereof. For all notes thus delivered to any Bank, a receipt therefor shall be given by the Bank, signed by the Cashier or President, to the Bank Commissioner, in a book to be kept by him for that purpose.

§ 9. — Whenever any mutilated or injured notes shall be returned, by any Bank, to the Commissioner, for the purpose of destroying the same, he shall burn the same to ashes in the presence of any agent thereto appointed by the Bank, and in the presence of the Assistant Commissioner; and two certificates of such burning shall be made by all the parties present, one of which shall be recorded in a book, to be kept by the Commissioner for that purpose, and the other shall be delivered to the Bank to which said notes belonged, which shall be recorded and filed by the Bank; and new notes, in lieu of those burned, shall be delivered by the Commissioner to the Bank.

§ 10. — The Commissioner shall, as far as practicable, after numbering and signing the notes as aforesaid, keep his books in such manner as to show the separate accounts of the circulation of each Bank and its branches, stating the number of each note, its denomination, the dates of its issue, by what Bank issued, and where payable.

§ 11. — The Bank Commissioners shall, from time to time, examine the books and affairs of each and every Bank in the State, and when it is impracticable to do so in person, they shall depute some competent and disinterested person to make such examination, and report to them, under oath; they shall, at least once in every six months, count the notes of the Banks on hand, and their specie, and compare the same, to ascertain if the latter is in proportion to the circulation issued, as allowed by law. Said examinations shall be made without previous notice to such Banks, and all the officers and employees of the Bank shall aid the Commissioner and Assistant in such examinations, if required.

§ 12. — A copy of the quarterly statements, required to be published by the Banks, shall be delivered by them to the Bank Commissioner, and he shall record, and keep in a separate book, the statements made to him by each Bank, which book shall be known as the quarterly statements of said Bank.

§ 13. — It shall be the duty of the Bank to furnish each Bank Commissioner, on the first days of January and July, of each year, a statement, under oath, to be called the semi-annual statement of the Bank, which statement shall show the specie on hand, bills receivable, bills payable, notes in circulation, notes delivered to the Bank for circulation, amount due depositors, and all debts due by, and to, the Bank; and, also, a list of the names of stockholders, specifying the number of shares held by each, and the amount paid in by each; which statement shall be kept and recorded in a separate book, known as the semi-annual statements of the Banks.

§ 14. — The Bank Commissioner and the Assistant shall, on the first days of February and of August, of each year, make a full report of their proceedings and the condition of the Banks to the Governor of the State, which reports shall be filed with the Secretary of State, and submitted to the General Assembly on their first meeting thereafter. In said reports

they shall state the aggregate amount of fees and emolument received by them for registering and countersigning notes, and from what Banks; and, also, the amount paid by each Bank for expenses, and for what purposes the same have been levied.

§ 15. — All notes intended for circulation at, and furnished to, any branch of a parent Bank, shall be made payable at such branch, and when countersigned and registered, may be delivered to the principal Bank, and receipt taken from such Bank as herein provided; but no such notes shall be delivered by the Commissioner, as herein contemplated, until the Commissioner shall be fully satisfied that the gold and silver, entitling it to such circulation, has been paid in, as required in this act, and all notes, except those to be furnished to branch Banks as aforesaid, shall be payable at the parent Bank.

§ 16. — Before any Bank or banking-company shall be authorized to receive the notes countersigned and registered as aforesaid, to which it may be entitled upon its capital stock paid in, it shall pay, or cause to be paid, to the Commissioner, the sum of two cents for each note so delivered. And the Commissioner shall keep a just and correct account of the money received by him under the provisions of this section, and in case the amount received be sufficient, at the time of making the semi-annual report to the Governor, as required in section fourteen of this article, he shall retain for himself the sum of twenty-five hundred dollars, and cause to be paid to the Assistant Commissioner the sum of twelve hundred and fifty dollars, half the amount of their respective annual salaries, and shall pay the balance, if any, to the Treasurer of the State, taking his receipts therefor, one of which shall be delivered to the Auditor, and the other filed by him in the office of the Bank Commissioner. Should it appear, at any time, that the amount received be sufficient to pay the half-yearly salary of said officers, upon the reception of the report by the Governor, he shall notify the Auditor, who shall cause his warrant to be drawn in favor of one or both of said officers for the amount respectively due them, after deducting the amount already received, for registry and countersigning.

§ 17. — Should the Bank Commissioner, or his assistant, at any time, willfully and knowingly issue to any Bank, any greater amount of notes than may be authorized by law at the time, he shall be guilty of a felony, and sentenced to imprisonment in the penitentiary for a period of time not less than five, nor more than twenty, years.

§ 18. — The Commissioner and Assistant Commissioner, hereby provided for, shall have general power of examination into the condition and affairs of the Banks, and may, at any time, cause a *scire facias* to issue against any Bank or Branch Bank, by presenting to the circuit court, or court of common pleas, of the county in which it is located, a written statement of the facts upon which a forfeiture is claimed.

§ 19. — He or they may, at any time, make any special reports to the Governor of the State, in regard to the character and credit of any Bank, or the manner of conducting its affairs, and it shall be his duty, when he has reason to believe that any Bank is being illegally and improperly conducted, or that it has failed to comply with the provisions of the general banking law of the State, or the provisions of its charter, or any requirements of this act, to institute an immediate examination; and in case he finds such facts to exist, to present them, in writing, to one of

the courts named in the foregoing section, when a *scire facias* shall be issued and proceeded on as may be provided by law.

§ 20.—In case of suspension of specie payments by any Bank, the Commissioner shall proceed to inform the Governor forthwith, and institute such other proceedings as may be required by law. In case he shall detect false entries, made by any officer or agent of the Bank, or shall discover that any embezzlement has been committed, or any wrong done by any one or more persons connected with the Bank, he shall cause said parties to be prosecuted for such violations of law; he shall see that no Bank shall go into operation with a less amount of capital paid in than that required by law; that the required notice be given for taking stock in any Bank, and that the books shall be kept open as required by law; that no Bank exceeds the legal limit in the exchange business; and that all other provisions of the law are strictly complied with by the Banks.

§ 21.—This law may be modified, altered, or repealed, at any time, by the Legislature, so far as respects the existence of the offices herein created, or the duties of the officers.

§ 22.—The said Bank Commissioner shall, as soon as practicable, after the first days of August and February, in each year, and after he shall have received the returns from the several Banks of the State, required at that time to be made, cause to be prepared and printed, a true abstract from all of said returns, with each column of said abstract footed up; and for this purpose he may prepare blank abstracts, requiring any information sought by him, to be furnished to the different Banks, which shall be filled and re-sent to the Commissioner, certified as required. Of this complete abstract of all the Banks, he shall transmit two copies to the Cashier of each Bank in the State, and cause the same to be published in one newspaper printed in St. Louis.

§ 23.—No Bank shall discount any note, bill of exchange, or other paper to which the Bank Commissioner, or his assistant, is a party, either as principal, surety, indorser, or otherwise; nor shall either of them be a stockholder in any Bank in the State.

§ 24.—Said Commissioners shall have and keep their offices in the city of St. Louis, in this State.

§ 25.—It shall be the duty of said Commissioners to provide a safe and secure vault for the keeping of books, papers, notes, plates, dies, or other materials that may be entrusted to their care in the discharge of duties enjoined by this act.

§ 26.—In case of vacancy in either of said offices, by death, resignation, or otherwise, the Governor shall fill the same by appointment, until the meeting of the Legislature, when the appointment shall be submitted to the Senate for approval, and either of said officers may be removed, at any time, on the address of the General Assembly, under the provisions of the act regulating the removal of officers by address, approved November 17, 1855.

ARTICLE IV.

ESTABLISHING BANKS AND BRANCHES.

Chapter I.

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| 1. Exchange Bank of St. Louis established. | 3. Corporators fully vested with all the powers and authority conferred by said act. |
| 2. Vests rights, privileges, immunities, etc., and names corporators. | |

§ 1.—A banking company is hereby established, in the city of St. Louis, to be known by the name and style of *The Exchange Bank of St. Louis*; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1855. Said Bank shall establish two Branches, one at Glasgow, in the county of Howard, and one at Neosho, in the county of Newton.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners, to open books for subscription to the capital stock of said Banking Company, to-wit: Lewis V. Bogy, Andrew Christy, Edward Cabot, Joseph S. Pease, Samuel B. Wiggins, M. L. Jackson, L. Dorsheimer, and Bartholomey Rice.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter II.

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| 1. The Bank of St. Louis established. | 3. Corporators fully vested with all the powers and authority conferred by said act. |
| 2. Vests rights, privileges, immunities, &c. | |

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The Bank of St. Louis*; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1854. Said Bank shall establish two Branches, one at Kirksville, in the county of Adair, and one at Booneville, in the county of Cooper.

§ 2.—The said Banking Company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said Banking Company, to-wit: John J. Anderson, John G. Priest, James Harrison, Madison Miller, Joseph Widen,

Stephen Haskell, Taylor Blow, A. P. Ladew, Duncan Carter, and George Knapp.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and as amply as if herein again specially, and particularly, enumerated and set forth.

Chapter III.

- § 1. The Merchants' Bank of St. Louis established. | § 3. Corporators fully vested with all the powers and authority conferred by said act.
2. Vests rights, privileges, immunities, etc.

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of The Merchants' Bank of St. Louis; the capital stock of which shall be two millions of dollars, and said Bank shall continue until the last day of December, A. D. 1885. Said Bank shall establish three Branches, one at Brunswick, in the county of Chariton; one at Oscola, in the county of St. Clair; and one at St. Genevieve, in the county of Ste. Genevieve.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: James E. Yeatman, Wm. G. Clark, John A. Brownlee, Thornton Grimsley, John S. McCune, D. A. January, B. M. Runyan, R. M. Parks, William T. Christy, Henry T. Blow, William M. Morrison, Joseph Charles, and Robert Campbell.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in like manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and as amply as if herein again specially, and particularly, enumerated and set forth.

Chapter IV.

- § 1. The City Bank of St. Louis established. | § 3. Corporators vested with all powers and authority conferred by said act.
2. Vests rights, privileges, and immunities.

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of The City Bank of St. Louis; the capital stock of which shall be two millions of dollars; and said Bank shall continue until the last day of December, A. D. 1883. Said Bank shall establish four Branches, one at the city of Kansas, in the county of Jackson; one at Columbia, in the county of Boone; one at Hannibal, in the county of Marion; and one at the town of Gallatin, in

Davies county, which last branch shall have a capital stock of one hundred and fifty thousand dollars.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: Derrick A. January, Wm. M. Morrison, Henry L. Patterson, Charles D. Drake, and John Simons.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in like manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and as amply as if herein again specially, and particularly, enumerated and set forth.

Chapter V.

- § 1. Merchants' Bank established. | § 3. Corporators vested with all powers and authority conferred by said act.
2. Vests rights, privileges, and immunities.

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of The Mechanics' Bank; the capital stock of which shall be one million five hundred thousand dollars; and said Bank shall continue until the last day of December, A. D. 1884. Said Bank shall establish three branches, one at Warsaw, in Benton county; one at Weston, in Platte county, and one at Fredericktown, in Madison county.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities and franchises, contained and included in the first, second, and third articles of this act; the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: Charles H. Peck, B. W. Alexander, Bernard Bryan, John C. Evans, F. M. Ludlow, D. K. Ferguson, John W. Thornburgh, S. C. Hunt, L. D. Baker, R. M. Parks, Oliver A. Hart, John Evill, William S. Cuddy, John M. Wimer, and George I. Barnett.

§ 3.—The said corporators, their successors and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and as amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VI.

- § 1. The Southern Bank of St. Louis established. | § 3. Corporators vested with all powers and authority conferred by said act.
2. Vests rights, privileges, and immunities.

§ 1. — A banking company is hereby established in the city of St. Louis, to be known by the name and style of The Southern Bank of St. Louis; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1883. Said Bank shall establish two branches, one at the city of St. Charles, in the county of St. Charles, and one at the city of Independence, in the county of Jackson.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: James S. Watson, James H. Britton, Abner Hood, Wm. J. McElhany, and Wm. T. Wood.

§ 3. — The said corporators, their successors and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VII.

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| § 1. The Farmers' Bank of Missouri established. | § 3. Corporators vested with powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1. — A banking company is hereby established in the city of Lexington, to be known by the name and style of The Farmers' Bank of Missouri; the capital stock of which shall be one million of dollars, and said Bank shall continue until the last day of December, A. D. 1884. Said Bank shall establish two branches, one at Liberty, in the county of Clay, and one at Paris, in the county of Monroe.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said company, to-wit: Charles R. Morehead, James Fletcher, Robert Aull, Thos. B. Wallace, Samuel Wilson, William B. Waddell, Jas. M. Cogswell, Oliver Anderson, — McGrew, Clayton Vanhoy, Wm. H. Anderson, James McCowen, Andrew W. Forbes, John M. Lewis, George J. Wasson, Benj. J. Brown, Wm. Boyce, — Tutt, Edward M. Samucl, and S. K. Shrodo.

§ 3. — The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VIII.

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| § 1. The Western Bank of Missouri established. | § 3. Corporators vested with powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1. — A banking company is hereby established in the city of St. Joseph, to be known by the name and style of The Western Bank of Missouri; the capital stock of which shall be one million of dollars, and said Bank shall continue until the last day of December, A. D. 1883. Said Bank shall establish two branches, one at Bloomington, in the county of Macon, and one at Fulton, in the county of Callaway.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: William M. Carter, P. L. McLaughlin, Wm. Rilenbaugh, Reuben Middleton, John Corby, Thos. Tootle, F. M. Wright, A. M. Sexton, and Jos. C. Hull.

§ 3. — The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter IX.

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| § 1. The Bank of Commerce established. | § 5. Duties of President and Directors of State Savings Institution. |
| 2. Stockholders to assemble and decide whether they will assent to this act. | 6. Further duties of President of State Savings Institution. |
| 3. Administrators, executors, and guardians, shall vote. | 7. Power of Corporators. |
| 4. Books for subscription to capital stock shall be kept open. | 8. Said Bank shall establish three branches. |

§ 1. — The present stockholders of the State Savings Institution, incorporated December 7, 1855, are hereby incorporated, under the name of The Bank of Commerce, located in the city of St. Louis, and in accordance with the provisions of this act, with a capital stock of one million five hundred thousand dollars. The amount of subscriptions now held by individuals or firms in said institution, shall not be subject to the restrictions contained in the eighteenth section of article first, of this act; but all subscriptions hereafter to be made, shall be subject to the said provisions, and received only as therein required.

§ 2. — The present stockholders of the said institution, or a majority in interest of them, shall meet, in person or by proxy, at their banking-house, in the city of St. Louis, on the first Monday in April, 1857, or as soon thereafter as convenient, not exceeding three months from the passage of this act, first giving notice, by publication, for at least two weeks, in two several newspapers in said city, which notice shall be signed by the

President and Cashier of said institution, or by any two of the stockholders of said institution; and, when assembled, they shall determine whether they will assent to this act; and, if a majority in interest shall approve and assent to this act, the President and Directors shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act; after which, the present stockholders of said State Savings' Institution, and all thereafter subscribing to the capital stock of said Bank of Commerce, are fully incorporated, as a body politic, under the name and title of *The Bank of Commerce*; and said corporation shall exist until the last day of December, 1885.

§ 3.—For the purpose of voting on the proposition of approval or rejection of this act, administrators, executors, and guardians or curators, shall have the right to vote the shares of the person or persons whom they represent.

§ 4.—Books for subscription to the capital stock of this Bank shall be opened, and kept open, by the Directors of said institution, under the same limitations and restrictions as required of the Directors of all Banks under the provisions of this act.

§ 5.—The President and Directors of said State Savings' Institution, are authorized and required, for the purposes of liquidation, to set apart, and at all times keep on hand, to the credit of said institution, an amount fully equal to the outstanding debts and liabilities of said institution; and all surplus received by them, over and above the sum herein mentioned, shall be immediately divided and passed to the credit of the stockholders of the new Bank of Commerce, to whom it may respectively belong, in payment of stock subscribed by them; and they shall have power to make further assessments on the stock of all stockholders, and require payment of the same, according to law, until the whole stock shall have been fully paid up.

§ 6.—In closing the affairs of the said State Savings' Institution, it shall be the duty of the President of said institution to make application to the circuit court of St. Louis county, asking that a time may be fixed, at the expiration of which all claims against the said institution, not presented for redemption or payment, shall be forever barred; and, upon such application, the court shall make an order prescribing the mode and manner of giving notice to creditors of such limitation, and fixing a time within which such claims may be presented; and, if not so presented, they shall be forever barred.

§ 7.—The said corporators, their successors, and the future holders of the capital stock of said banking company, subscribed, and to be subscribed and paid, in the manner prescribed in this chapter of this article, and by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

§ 8.—Said Bank shall establish three branches—one at Canton, in the county of Lewis; one at Savannah, in the county of Andrew, and one at New Madrid, in the county of New Madrid.

Chapter X.

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| <p>§ 1. Stockholders of the Bank of the State of Missouri incorporated under this act.</p> <p>2. Stockholders to meet and decide whether or they will assent to this act.</p> <p>3. Administrators, Executors and Guardians may vote shares they represent.</p> <p>4. Directors to which the State may be entitled, to be appointed by the Governor.</p> <p>5. Books for subscription to stock to be kept open under same restrictions, as other Banks.</p> <p>6. Notes of said Bank to be received in payment to the State, and public moneys to be kept in said Bank.</p> <p>7. Governor may withdraw the State money from Bank, when advised by Bank Commissioner.</p> <p>8. The Governor may subscribe certain funds to the Bank.</p> | <p>§ 9. Duty of the President and Directors in regard to the business of the old Bank.</p> <p>10. The President shall make application to the Circuit Court in relation to the business of the old Bank.</p> <p>11. Duty of the President and Directors of the Branch Banks.</p> <p>12. The Bank shall establish seven Branches.</p> <p>13. Branch at Lexington shall be withdrawn.</p> <p>14. Branches may be established without the previous subscription of stock.</p> <p>15. Mode of choosing President and Directors.</p> <p>16. Duty of the Board of Directors of the Parent Bank, should the stockholders not assent to this charter.</p> |
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§ 1.—The present stockholders of the Bank of the State of Missouri are hereby incorporated, under the provisions of this act, with the privilege of increasing their whole stock to a sum not exceeding three million five hundred thousand dollars. The sum of one million dollars shall be subscribed and owned by the State, and the remainder thereof may be subscribed and owned by individuals, companies and corporations. The amount to be subscribed by the State, and the amount of subscription now held by individuals, firms, or corporations, shall not be subject to the restrictions contained in the eighteenth section, of article first, of this act; but all subscriptions not included in the present Bank shall be subject to said provisions, and received only as therein required.

§ 2.—The present stockholders of the Bank of the State of Missouri, or a majority of them in interest, shall meet in person, or by proxy, at their banking house in the city of St. Louis, on the first Monday in April, 1857, or as soon thereafter as convenient, not exceeding three months from the passage of this act, first giving notice by publication, for at least two weeks, in two several newspapers in said city, which notice shall be signed by the President or Cashier, or by any two stockholders of said Bank, and when assembled, they shall determine whether they will assent to this act; and if a majority, in interest, of those present, certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act, after which, the present stockholders, and all thereafter subscribing to the capital stock of the same, are fully incorporated, as a body corporate and politic, under the name and title of the "Bank of the State of Missouri," and said corporation, as such, shall exist until the last day of December, A. D. 1887.

§ 3.—For the purpose of voting on the proposition of approval or rejection of this act, administrators, executors, and guardians, or curators, shall have the right to vote the shares of the person or persons whom they represent.

§ 4.—The Directors to which the State may be entitled, under the law,

shall be appointed by the Governor, by and with the advice and consent of the Senate, and to be classed, as provided in this act, that is, one-half, as near as practicable, to be appointed each year; *Provided*, That the President and Directors of the present Bank of the State of Missouri, shall retain their offices, as such, in the new Bank hereby incorporated, until the expiration of the time for which they have been elected, and until their successors are duly elected and qualified.

§ 5.—Books for subscription to the capital stock of this Bank shall be opened and kept open by the Directors of this Bank, under the same limitations and restrictions as required of the Directors of all Banks, under the provisions of this act.

§ 6.—The bills or notes of said Bank shall be receivable in all payments due to the State. And the public moneys of the State, as well as those of any public corporation for public purposes, and in which the State may be a part owner, shall be kept on deposit in said Bank or its branches, whenever lying inactive, so long as the said Bank shall redeem its liabilities in gold and silver, on presentation. Said Bank shall, also, act as the fiscal agent of the State, when thereto required; shall negotiate all loans for the State, either in Europe or America, without any charge, except actual expenses incurred; it shall, when required, transfer the funds of the State from one part of the State to another, without charge, and from one portion of the United States to another, charging only the actual expense. Special deposits of the State in the said Bank, for a period of twelve months or longer, shall be entitled to draw interest at the rate of six per cent. per annum.

§ 7.—The Governor, at any time, upon the advice of the Bank Commissioner, that the State money or deposits in said Bank, or in any bank, are unsafe, may withdraw the same, and cause them to be deposited elsewhere, in some safe place of deposit.

§ 8.—In case this change of the charter of said Bank shall be assented to, as provided in section two of this act, the Governor shall immediately subscribe the amount herein required to be taken by the State, including which shall be the State School Fund, the Seminary Fund, and the Sinking Fund; and the remainder, if any, to be taken from other funds of the State now in the Bank of the State of Missouri; said funds to be kept by the Bank separately, and the same shall be held by the State for the use of said funds respectively; and by said act of assent, the stock now held in the present Bank, which is not owned by the State, shall be deemed to be transferred to the Bank hereby incorporated; and the former act of incorporation of said Bank shall be deemed thereby to be annulled and surrendered, except for the purpose of disposing of its property and gradually settling its affairs; but it shall entirely cease to transact the business of banking.

§ 9.—The President and Directors of the Bank hereby created, are authorized and required to take charge of the business of the old Bank, for the purposes of liquidation; and shall be required to set apart, and at all times keep on hand, to the credit of the old Bank, a sum fully equal to the outstanding debts and liabilities of said Bank. And all surplus received by them, over and above the sum herein mentioned, shall be immediately divided and passed to the credit of the stockholders of the new Bank, to whom it may respectively belong, in payment of stock subscribed by them, until the whole stock of each shall have been fully paid; *Pro-*

vided, nevertheless, that nothing in this act shall be so construed as to prevent the President and Directors from making assessments on the stock of all the stockholders, except the amount subscribed by the State, and requiring the payment of the same according to law; and all surplus collected, beyond what may be sufficient to meet liabilities of the old Bank, as above provided, and to pay the stock subscribed to the new Bank, as herein mentioned, shall be paid over to the parties, respectively, to whom it may belong.

§ 10.—In closing the affairs of the old Bank, it shall be the duty of the President of the Bank to make application to the circuit court of St. Louis county, asking that a time may be fixed, at the expiration of which all claims against the said Bank, not presented for redemption or payment, shall be forever barred; and, upon such application, the court shall make an order, prescribing the mode and manner of giving notice to creditors of such limitation, and fixing a time within which such claims may be presented; and if not so presented, they shall be forever barred.

§ 11.—The President and Directors of the several branch Banks of the Bank of the State of Missouri, as now existing, shall, immediately upon the approval of this act by the stockholders, as herein provided, and notice thereof furnished to them by the Board of the parent Bank, cease the business of banking, and proceed forthwith to wind up the affairs of such branches, in the same manner as provided for the parent Bank; and they shall notify the parent Bank of any surplus on hand, not necessary to meet outstanding liabilities, which surplus, in the discretion of the mother Board, may be ordered to be paid over to the parent Bank at St. Louis.

§ 12.—The Bank hereby created shall be required to locate and establish seven branches in the State, in accordance with the provisions of the general banking law, to-wit: one at Palmyra, in Marion county, and one at Fayette, in Howard county, each with a capital of not more than one hundred and twenty-five thousand dollars; one at Springfield, in Greene county, with a capital of not more than two hundred thousand dollars; one at Chillicothe, in Livingston county, with a capital of not more than one hundred and fifty thousand dollars, and one at Cape Girardeau, in Cape Girardeau county, with a capital of three hundred thousand dollars, one at the City of Jefferson, with a capital of not more than two hundred thousand dollars, and one at Louisiana, in Pike county, with a capital of three hundred thousand dollars. But the Parent Bank may increase the capital of either of said branches, to an amount exceeding that above named; *Provided*, That the stock in all the branches shall not be more than two-fifths of the whole capital stock of the Bank.

§ 13.—The existing branch at Lexington, in Lafayette county, shall be withdrawn by the mother Board, as soon as its affairs can be liquidated and its capital removed; but no branch shall be reestablished at that place, by the Parent Bank hereby created. And the President and Directors of the existing Branch Banks shall be governed, in all respects, by the general rules that may be adopted by the mother Board, for settling and liquidating the affairs of the Parent Bank.

§ 14.—The Parent Bank may, at any time, in its discretion, establish either, or all of said branches, without the previous subscription of stock, at the place of its location; but may withdraw the same, unless an amount of stock to be specified, shall, in the time required by the Board, be subscribed and paid in, by stockholders in the vicinity of the branch.

§ 15.—The President and Directors of the Branch Banks shall be chosen in the manner required by the general law, in cases where the capital furnished by the Parent Bank and the stockholders, at the Branch Bank, is equal; and when the greater amount is furnished by the Parent Bank, the number to be elected by the Parent Bank shall be in the same ratio increased, to a number not exceeding that allowed by the general law.

§ 16.—In case the stockholders should not assent to this charter as renewed, then it shall be the duty of the Board of Directors of the Parent Bank, to cause the affairs of the Lexington branch to be immediately settled and liquidated, as herein directed, and its capital transferred to Louisiana, in Pike county, where a branch shall be established and had, subject to all the provisions or the present charter of said Bank.

This act to take effect, and be in force, from and after its passage.

Approved Mar 2, 1857

BOATS AND VESSELS.

AN ACT to provide for the insurance of Boats and Vessels after seizure.

- § 1. Boats or vessels seized shall be insured; § 2. Premium to be allowed and taxed as duties of Sheriff or other officer in relation thereto; other costs; compensation of officer.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—When a boat or vessel shall be seized under the provisions of an act entitled, "An act concerning boats and vessels," approved November 29, 1855, the Sheriff or other officer having custody thereof, shall insure said boat or vessel against any loss or damage by fire, ice, unavoidable accidents, or the dangers of the river, for a sum equal to three-fourths of the value of the boat or vessel seized; the said insurance shall be effected as soon as practicable after the seizure, and shall continue until released from custody according to the fourteenth and fifteenth sections of said act, or if not so released until sold under the provisions of the sixteenth section thereof, the insurance shall be effected in the name of, and made payable to, the Sheriff or officer in charge of the boat or vessel; and in case of loss, the said officer shall retain the money arising from said insurance, subject to the order of the court under whose authority the said vessel was seized or ordered to be sold, and the said court shall order the distribution of said money according to the provisions of the twentieth and twenty-first sections of the act aforesaid.

§ 2.—The premium paid by said officer for said insurance, shall be allowed and taxed as other costs in the case, and the court may allow the officer having charge of said boat or vessel, such compensation for his trouble in procuring the insurance as shall be reasonable and just.

This act to take effect from its passage.

Approved February 17, 1857.

BIBLES.

AN ACT to procure Bibles for the use of the Senate and House of Representatives, and officers of State.

- § 1. State Librarian to furnish certain officers with a copy of the Holy Bible, (St. James' revision).

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—That the State Librarian is hereby authorized to purchase Bibles, one copy for the use of the Senate, one copy for the use of the House of Representatives, and one copy for each State officer, for the use of his office, and one copy for the State Library, to be paid for out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

BURYING-GROUNDS.

AN ACT to protect Family Burying-Grounds or Cemeteries.

- § 1. Burying Grounds may be decreed to § 2. What deemed a trespass, the county. 4. Owners liable for costs of prosecution, County Court to superintend the same. etc.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—Any person desirous of securing a Family Burying-Ground or Cemetery, on his or her lands, may convey to the County Court in which the land lies, any quantity of land, not exceeding one acre, in trust for the purposes above-mentioned; the deed for which to be recorded within sixty days after the conveyance; and such grounds, when so conveyed, shall be held in property as Burying-Grounds or Cemeteries, for the use and benefit of the owners, for the time being, of the tract or tracts of land from which said grounds were taken or conveyed.

§ 2.—When lands shall have been conveyed and recorded as provided in the preceding section, the respective County Courts shall have, and are hereby required, to exercise, a superintending control over the same; and for any trespass on such Burying-Grounds or Cemeteries, may cause the offender or offenders to be prosecuted and punished, as in other cases of trespass, and fined in any sum, not exceeding five hundred dollars.

§ 3.—The defacing or destruction of any tomb-stone or monument within such Burying-Grounds, or of the enclosure around such grounds, shall be held and deemed to be a trespass within the meaning of this act.

§ 4.—The cost of the prosecution under the provisions of this act and all other costs necessarily incurred in superintending and protecting such Burying-Grounds or Cemeteries, shall be a charge upon the owners, for the time being, of the tracts of land of which such grounds were formerly a part, and shall be collected as other costs in actions for trespass.

This act to take effect and be in force from and after its passage.

Approved January 22, 1857.

OPPOSITIONAL

[illegible]

Be it enacted by the General Assembly of the State of Missouri, a

§ 1. Representatives shall be apportioned as follows, viz: From the county of St. Louis twelve Representatives; from the counties of Platte and Lincoln, Buffalo, Boone, Pike, Greene, Callaway, Cape Girardeau, De Kalb, Franklin, Howard, Marion, Ray and St. Charles, each a single Representative; and in the other Representative counties, viz: in the territory

Fourth Senatorial District: the counties of Lincoln, Sullivan, Putnam, and Jefferson; the Fifth Senatorial District: the counties of Davidson, Wayne, Macon, and Grundy; the Ninth Senatorial District: the counties of Rutherford, Cass, Caldwell, and Clinton; the Tenth Senatorial District: the counties of Ashe, Johnston, and Hoke; the Eleventh Senatorial District: the counties of Buchanan, DeKalb, and Grant; the Twelfth Senatorial District: the counties of Plattsburgh and Clay; the Thirteenth Senatorial District: the counties of Jackson, Cass, and Bates; the Fourteenth Senatorial District: the counties of Johnson, Benton, Henry, and Clay; the Fifteenth Senatorial District: the counties of Sevier, Lincoln, and Putnam; the Sixteenth Senatorial District: the counties of Vanam, Warren, DeKalb, Jasper, and Cedar; the Seventeenth Senatorial District: the counties of Newton, Barry, Lawrence and McDonald; the Eighteenth Senatorial District: the counties of Greene, Stone, Taney, and Webster; the Nineteenth Senatorial District: the counties of Polk, Dallas, Lewis, and Montgomery; the Twentieth Senatorial District: the counties of Franklin, Madison, and Gibson; the Twenty-First Senatorial District: the counties of DeKalb and DeKalb; the Twenty-Second Senatorial District: the counties of Ripley, Madison, Iron, Wayne, Butler, Shannon, Reynolds, Oregon, and Howell; the Twenty-Third Senatorial District: the counties of Stoddard, Dunklin, Pemiscot, New Madrid, Mississippi and Stone; the Twenty-Fourth Senatorial District: the counties of Cape Girardeau, Butler, and Boone; the Twenty-Fifth Senatorial District: the counties of Cole, Miller, Camden and Maries; the Twenty-

Seventh Senatorial District; the counties of Cooper, Morgan and Monticau, the Twenty-Eighth Senatorial District; the county of St. Louis, the Twenty-Ninth Senatorial District.

§ 3. The Twenty-Ninth District shall elect five Senators, and each of the other Districts shall elect one Senator.

§ 4. The Twenty-Ninth District shall elect four (4) Senators at the general election in the year (1858) eighteen hundred and fifty-eight, and one Senator at the general election in the year eighteen hundred and sixty; the First, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fifth and Twenty-Seventh Districts, shall each elect one Senator at the general election in the year eighteen hundred and fifty-eight, and the Second, Third, Fifth, Sixthteenth, Twenty-Fourth, Twenty-Sixth and Twenty-Eighth Districts, shall each elect one Senator at the general election in the year eighteen hundred and sixty.

§ 5. Immediately after the assembling and organization of the Senate, in the year eighteen hundred and fifty-eight, all the Senators enumerated in the first preceding section, are to be elected in that year (1858) shall, by lot, be divided into two classes, of which there shall be eight in one and seventeen in the other; and the seats of all those in the class consisting of eight members shall be vacated at the end of two years, and thereafter, at the general election, in the year eighteen hundred and sixty, elections shall be held in their respective districts for Senators to fill the places of Senators belonging to said class, which will thus become vacant; and all the Senators so elected to fill such vacancies shall hold their offices for a term of six years, so that thereafter an equal number of Senators, as near as may be, shall be elected at each alternate general election.

This act to take effect from its passage.

Approved November 17, 1857.

BANKS.

AN ACT for the relief of the heirs of the State of Missouri, and other heirs.

1. Shareholder electing himself as Director must be a resident of the District, and must pay of November, 1888.
2. No Director allowed to any person to be a shareholder in the bank, except by the order of the directors.
3. The provision requiring a certain amount of gold and silver to be on hand, suspended until the first Monday in November, 1888.
4. The banks, while in a state of suspension, shall not receive deposits or payments of bills, the notes of each other.
5. Duty of Board of Directors during the period of suspension.
6. Duty of Bank Commissions.
7. Share is the payment of amount of stock, until first day of November, 1888.
8. Provisions of this act to apply to, what banks.
9. Bank Commissioner required to have notes stamped.
10. Persons under protest not eligible to the place of Director or Director under protest for a certain length of time, vacates his office.

AN Act to amend an Act of the General Assembly, passed at the request of the Bank of the State of Missouri, and other banks."

6-1. Allows Banks to receive some credit back paper, and suspends penalty.

(6) it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the penalties and forfeitures imposed by the act entitled "An act to prevent illegal banking and the circulation of depreciated paper currency within this State," approved December 8, 1855, be, and the same are hereby declared not to apply to the passing and receiving of notes of the suspended banks of this State.

This act to take effect and be in force from and after its passage.

Approved November 17, 1857.

AN ACT to incorporate the Branch of the Bank of the State of Missouri, at Fayette, and to supplement the act entitled "An Act for the relief of the Bank of the State of Missouri, and other banks," passed at the present adjourned session of the General Assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the said Comptroller is authorized to countersign, register, and forward to the Bank of the State of Missouri, for the use of the said Branch at St. Louis, such additional circulation in proportion to capital paid in, as will place said Branch Bank in relation to circulation upon an equal footing with the Merchants and Southern Banks of St. Louis, and Farmers' Bank of Missouri, at Leavenworth; and the said Branch Bank shall be authorized to issue such circulation in the same manner as if the same had been ordered at the time of the passage of the act to which this is a supplement.

§ 2. The provision of the foregoing section shall be applicable in every report to the Branch of the Bank of the State of Missouri, at
 Lowland.

§ 3. Subscribing—The President of the Bank of the State of Missouri, at Chillicothe, shall have power to receive the amount of capital stock required by the charter, the President of the Bank of the State of Missouri required to furnish the coin and cur-

ulation to which it may be entitled, and for that purpose the Bank Commissioner is hereby authorized to examine the funds on hand and countersign and deliver to the Parent Bank the amount of circulation to which said branch may be entitled.

This act, ¹ *Act 100*, is to be in force from and after its passage.

Approved November 19, 1857.

AN ACT in relation to the "Farmers' Bank of Missouri, and supplemental to an act entitled "An act for the relief of the Bank of the State of Missouri, and other banks," passed at the present adjourned session of the General Assembly.

§ 1. Authorizes Bank Commissioner to countersign and furnish the Farmers' Bank notes for circulation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Bank Commissioner is authorized to countersign, register and furnish to the Farmers' Bank of Missouri such additional circulation, in proportion to capital paid in, as will place said bank in relation to circulation, upon an equal footing with the Merchants' and Southern Banks of St. Louis, and the said banks shall be authorized to use such circulation in the same manner as if the same had been on hand at the time of the passage of the act to which this is a supplement.

This act shall take effect and be in force from and after its passage.

Approved November 16, 1857.

AN ACT concerning the Bank of St. Louis.

§ 1. Bank of St. Louis may go into operation upon a paid up capital of \$75,000.

2. The whole amount of stock subscribed, to be paid in twenty-four months from time of subscribing.

4. Provisions of this act to apply to the Western Bank.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Bank of St. Louis is hereby authorized to go into operation so soon as seventy-five thousand dollars, or more, of its capital stock shall have been paid in gold and silver coin, and the same shall have been examined and counted by the Bank Commissioner, or some person or persons appointed by him, as now provided by law.

§ 2. The general law chartering said bank is hereby altered as follows: the whole amount of the stock subscribed to said bank shall be paid within twenty-four months from the time of subscribing.

§ 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby declared inoperative as to said bank; but said bank shall proceed to establish her branches as required by her charter, and in all other respects, said bank shall strictly comply with its charter.

§ 4. The provisions of this act shall apply to the Western Bank of Missouri in the same manner, and to the same extent that they are made applicable to the Bank of St. Louis.

This act to take effect and be in force from and after its passage.
Approved November 11, 1857.

§ 1. The second section of article six of the constitution of the State of New York is hereby amended so modified that the Mechanics' Bank shall not be required to look for the subscription to the capital stock of the Patent Bank.

§ 10. The provisions of the several sections of this act shall apply to the

2. A. *propter* (because of) + *accusative* (accusative case)
B. *propter* (because of) + *accusative* (accusative case)
C. *propter* (because of) + *accusative* (accusative case)
D. *propter* (because of) + *accusative* (accusative case)
3. *propter* (because of) + *accusative* (accusative case)
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D. *propter* (because of) + *accusative* (accusative case)

b. Qualitative (subjective) measures
c. Quantitative (objective) measures
d. Powers of the independent variables
e. Conflicts and instruments of writing
f. Grounded theory and naturalistic inquiry

8. Of the election of President of India; power and duties of President; force until 1899.

§ 1. A savings institution, to be called the Farmers' and Mechanics' Savings Bank, shall be organized in the city of St. Louis, with a capital

§ 7. The stock and salary of the institution hereby established, shall be organized and conducted by three Directors, which may be increased by law; to be first, who shall be elected every second year, at such time and place in the city of St. Louis, as the Board of Directors for the time being shall appoint; and shall hold their office for two years, and until their successors are chosen; and have qualified their acceptance of the same; and said election shall be held in such manner as said Directors shall, by ordinance or law, prescribe and shall be made by ballot by plurality of the stockholders, allowing one vote for every share; and stockholders not present may vote by proxy, which is a valid proxy to the person representing them at such election; and in case it should happen at any time that an election should not be made on any day it should have taken place, the corporation hereby established shall not thereby, and for this cause, be deemed to be dissolved; but lawful and may be lawful on any other day to make and hold an election of Directors in such manner as shall be regulated by the by-laws of said corporation.

§ 8. The Directors herein shall at each election to be held after every biennial election, choose of the persons of their own party, one person to be President, who shall hold his office until the choosing of his successor, and the acceptance of the place by said successor. Said President shall perform such services, and have such powers as may be conferred on him by the by laws of the corporation. In case of the death or resignation of the President or any Director, the vacancy may be filled by the Board of Directors; and in the event of the absence of the President, the Board of Directors shall have power to appoint a *Pro tempore President*, who shall have all the powers and perform all the duties the President regularly chosen.

§ 9. The said Directors each shall have, direct in what manner the business of said corporation shall be done, which they shall have power, subject to such by-laws as be appointed and fixed from time to time, one or more assistants to fill in the performance of the business of the institution, with such compensation and allowance as they shall think proper, and shall have power to declare and make dividends to the profit arising out of the business of the institution and to allow and pay out of the funds of said corporation, the officers, agents, and servants of said institution, such wages, salaries and compensations as they shall think proper and reasonable; and by laws of this corporation shall be passed without the consent of a majority of the Directors.

§ 10. The stock of this corporation shall be deemed personal property, and shall be assignable and transferable according to such rules and regulations as the Board of Directors shall, from time to time, make and establish, subject, however, to the laws of this State.

§ 11. It shall be lawful for the institution hereby established to purchase and hold such real estate as may be convenient for the transaction of its business, to have and to hold any real estate as security, or on mortgage, or in pledge or by deed of trust to secure the payment of loans and debts due or to become due to said institution or corporation, to purchase real estate at any sale made in virtue of any loan or debt made in favor of said institution, and to receive and take in satisfaction of any loan or debt made in favor of said institution, any real estate, and to hold and convey any such real estate.

§ 12. All contracts or other instruments in writing which may be made or entered into by said corporation, shall be subscribed by such officer or

officers, agent or agents, as shall be authorized by the ordinances or by-laws of said corporation, and being so signed, shall be binding on said corporation; and all such contracts and instruments in writing may be signed and carried on without the presence of the Board of Directors, by its officers, assistants or agents.

§ 13. Married women and minors may, in their own names, and without their husband's or guardian's consent, deposit money with said institution, and receive certificates therefor in their own names, and which deposits shall be subject to the owner only.

§ 14. The act concerning corporations, approved March 19, 1845, except the seventh and sixteenth sections thereof, shall not be applicable to this corporation.

§ 15. This act shall be, and is hereby, declared to be a public act, and the same shall be construed as such, and the same shall take effect and be in force from and after its passage, and continue in force until the thirty-first day of December, eighteen hundred and ninety-nine, and no longer.

Approved November 21, 1857.

AN ACT to incorporate the Northern Bank of Missouri.

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| 1. Style of the company; capital stock; its duration; may establish branches, where. | 2. Powers of company; names of corporations. | 3. Authority of corporators. | 4. City Bank of St. Louis required to organize, when. | 5. This act to be of no force, when. |
|--|--|------------------------------|---|--------------------------------------|

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. A banking company is hereby established in the city of Hannibal, to be known by the name and style of "The Northern Bank of Missouri," the capital stock of which shall be one million of dollars, and said bank shall continue until the last day of December, A. D. 1883. Said bank shall establish three branches, one at Columbia, in Boone county, and one at Gallatin, in Daviess county, and one at Canton, in Lewis county, with such capital as may be fixed by the Directors, not exceeding two-fifths of the entire capital.

§ 2. The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises contained and included in the provisions of the first, second, and third articles of an act entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners" approved March 2, 1857, and all the articles and provisions of said act are made applicable to the company hereby incorporated; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to wit: Joshua Gentry, Joseph Corbran, Tilden R. Selmes, George A. Hawes, John J. Campbell, Brison

then be given at least thirty days before it occurs, by publication in some newspaper printed in the county; or, if no newspaper be printed therein, then by handbills stuck up in at least four public places in each town-ship. For the purpose of holding such elections the County Courts shall have power to proceed as in other elections in this State.

§ 3. Whenever any person shall have subscribed stock to any rail-road in this State, and thereafter died, it shall be lawful for the directors of such railroad to apply to the County Court of the county in which the deceased resided, a copy of such subscription sworn to be correct by the Secretary of the railroad company, or the President, and upon the County Court being satisfied that such subscription was made in good faith, and that the sum claimed is justly due, shall allow the demand against said estate, and place the same in its appropriate class.

§ 4. Whenever any railroad company institutes suit in any of the courts of this State, against any subscriber to the capital stock of such company, it shall be lawful for said company, instead of filing the original subscription, to file a copy of the same, certified to be correct, under the hand and seal of the Secretary of the company.

This act to be in force from its passage.

Approved November 29, 1867.

CAPITOL GROUNDS.

AN ACT to provide for setting out shrubbery and otherwise improving the Capitol Grounds, and for the purchase and improvement of grounds for the State (enlarged).

§ 1. Provides for buying buying grounds; and § 2. Auditor required to draw warrants; no shrubbery to be set out till Capitol Grounds are enclosed.

B. It enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the unexpended balance of the fund belonging to the building of the Capitol, which was derived from the sale of lots in the City of Jefferson, amounting to five hundred and fifty-one dollars and sixty-five cents, be, and the same is, appropriated, under the direction of the Commissioner of the Permanent Seal of Government, to the purchase of five additional lots for a burial ground for the State officers and members of the General Assembly, and for the improvement of that now enclosed, as well as the Capitol Grounds, by setting out shrubbery, and sowing the same in blue grass.

§ 2. The Auditor of Public Accounts is hereby required to issue his warrants upon the Treasurer in favor of the persons employed to do the work, and for the purchase of the lots as provided in the first section of this act, upon the certificate of said Commissioner, specifying the amount due for the work or lots aforesaid, payable out of the fund for "building the Capitol."

SEWELL, John B. Helm, Russell W. Moss, William Hearm, Robert H. Griffith, and Alfred W. Lamb.

§ 1. The said corporations, their successors and future holders of the capital stock of said company to be subscribed and paid as prescribed in said act, are hereby fully invested with all the powers and authority conferred by said act as fully and amply as if herein again specially and particularly enumerated and set forth.

§ 2. Unless the corporations named in chapter 4, of the above recited act, incorporating the City Bank of St. Louis, shall, on or before the first day of October, 1868, organize and establish the said City Bank of St. Louis, and commence the business of banking, as therein specified, and this act and in lieu thereof; and the corporations herein named, may immediately proceed to open books and organize said bank.

§ 3. If the said City Bank of St. Louis shall, on or before the day last named, organize and commence the business of banking, then this act shall be of no force or effect.

This act to be in force from and after its passage.

Approved November 29, 1867.

BONDS—RAILROADS.

AN ACT to expedite the sale of railroad bonds, and the collection of Railroad Subscriptions.

§ 1. Any of County Courts is authorized to receive and accept of subscriptions to railroad stock, and to receive of the subscribers the cash or the value of the same, and to issue therefor bonds of the County Court, in conformity with the following provisions:

2. County Courts may, and are authorized to, receive of the subscribers to railroad companies, the cash or the value of the same, and to issue therefor bonds of the County Court, in conformity with the following provisions:

3. County Courts may, and are authorized to, receive of the subscribers to railroad companies, the cash or the value of the same, and to issue therefor bonds of the County Court, in conformity with the following provisions:

4. Money so received by County Courts, shall be paid to the subscribers to railroad companies, in conformity with the following provisions:

5. The bonds so issued by County Courts, shall be subject to the following provisions:

6. The bonds so issued by County Courts, shall be subject to the following provisions:

7. The bonds so issued by County Courts, shall be subject to the following provisions:

8. The bonds so issued by County Courts, shall be subject to the following provisions:

9. The bonds so issued by County Courts, shall be subject to the following provisions:

10. The bonds so issued by County Courts, shall be subject to the following provisions:

§ 1. In every instance where any county shall have subscribed stock to any railroad company in this State, and said stock is to be raised by the issue of county bonds, the County Courts shall have power, in issuing said bonds, to provide that the same shall be payable in interest on the same, at a rate of interest not exceeding ten per centum per annum, payable annually or semi-annually, as the County Court may direct.

§ 2. In all cases where any county shall have subscribed stock to any railroad company, it shall be lawful for the County Courts to order a poll to be opened at the election precincts in said counties, to take the sense of the tax payers of the same, for and against paying said subscription by direct taxation; and if a majority of the tax payers decide in favor of direct taxation, it shall be lawful for the County Courts to levy the same accordingly; *Provided*, that public notice of said election be given at least thirty days before it occurs, by publication in some newspaper printed in the county; or, if no newspaper be printed therein, then by handbills stuck up in at least four public places in each town-ship. For the purpose of holding such elections the County Courts shall have power to proceed as in other elections in this State.

r the location of said branch, in the same law; and the said branch, when established, rules and regulations as now provided by law ity.

ctors of the Bank of the State of Missouri, at ed and empowered to establish, within the State, f said bank, in addition to those now author- and at such time, as the said board may deem established, shall be subject to the same regu- provided for the branches of said bank.

s, mentioned in the first and second sections of t by the Cashier of the bank, shall be filed in f State, within twenty days after the making

branches, authorized by the second section of ital of not less than one hundred thousand dol- hundred thousand dollars; the amount thereof e said board at St. Louis, at the time of their

bank to establish the two branches mentioned in act, the Board of Directors at St. Louis may, tive Boards of Directors at Louisiana and Cape stock of said branches, to-wit, the Louisiana, to two hundred thousand dollars each.

on and after its passage.
\$59.

BLIND.

part of the land in the city of St. Louis, held for the institution for the Education of the Blind;"

Institution for the Education of the Blind" to sell cer- tain at or price said estate may be sold for; said ale to execute deed of conveyance.

nted to the General Assembly that a certain inafter described, situated in the city and coun- was purchased and acquired for the use of the -the Education of the Blind," is not needed for hereas, it has been further represented that the aid city requires that a public street or thor- dowed over and made upon the said portion of is follows: beginning at a point in the south , distant westwardly from the west line of Nine- merly called — street, three hundred n-twelfths (381 11-12); thence southwardly, e east line of Twentieth (20th) street, to the ect; thence westwardly along the north line of e feet; thence northwardly on a line parallel

with the east line of Twentieth (20th) street to the south line of Frank- lin Avenue, and thence eastwardly along Franklin Avenue twenty-five feet (25), to the place of beginning; and, whereas, it is apparent that no inconvenience or injury can arise to said institution or the State, by the sale of said parcel of land, for its reasonable value; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the trustees of the "Missouri Institution for the Education of the Blind," be and they are hereby authorized and empowered to bar- gain, sell and convey said above mentioned parcel of land to the city of St. Louis, or any other purchaser, for the best price or sum that can be obtained therefor; not, however, for less than the sum of three thousand seven hundred and fifty dollars (\$3,750); and upon making sale thereof, said trustees, by their President, under the seal of said institution, shall have power and au- thority to convey the said land by a good and sufficient deed therefor, to the purchaser or purchasers thereof.

This act to take effect and be in force from and after its passage.

Approved February 9, 1859.

BROKERS.

AN ACT supplementary to an act, entitled "An act to license and tax Money Brokers and Exchange Dealers," approved November 23, 1855.

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| <p>§ 1 Money brokers or exchange dealers and all persons who receive on deposit, from any bank or broker outside of this State any bank note or other paper currency, except the specie-paying bank of this State.</p> <p>2 Money brokers or exchange dealers not allowed to receive (to put into circulation in the State) any such note or paper currency, payable outside of this State, from any bank, &c., located in any other than this State.</p> <p>3 Money brokers or exchange dealers may receive, from persons doing business in this State, the bank notes and paper currency referred to in the preceding sections, which has been received in payment of debts from persons residing either in or out of this State; but money brokers or exchange dealers are not allowed to give out, in this State, such bank notes of less denomination than five dollars.</p> <p>4 Bank notes payable out of this State, received by money brokers or exchange dealers, of a less denomination than five dollars, shall be by said money brokers or exchange dealers sent out of the State in good faith.</p> | <p>5 To whom the provisions of this act shall apply.</p> <p>6 Before a license shall be delivered to a money broker or exchange dealer, he shall give to Collector an affidavit that he will comply with this act; said affidavit to be filed with County Court Clerk.</p> <p>7 Penalty for violating this act; this act to be given in charge to grand jurors especially.</p> <p>8 Bank Commissioners to report violations of this act to grand jury.</p> <p>9 All notes, bonds, &c., purchased in violation of this act, or founded on loans contrary to this act, shall be void in the hands of money brokers, &c.</p> <p>10 The names of persons proposing to associate together to do business as money brokers, shall be published, under oath, before they shall be entitled to receive a license.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. No money broker or exchange dealer shall, after the passage of this act, be permitted to receive on deposit, directly or indirectly, from any bank, incorporated company, banker, broker, or other individual, located or doing business outside of the State of Missouri, any bank note or other paper currency, issued as a circulating medium by any bank, banker or incorporated company, other than by the specie-paying banks of this State.

§ 2. No such broker or exchange dealer within this State, shall be permitted to purchase, take, or otherwise receive, with a view or for the purpose of putting the same in circulation in this State, any such bank note or paper currency, payable, or purporting to be payable outside of this State, from any bank, banking company, broker, or other individual located and doing business in any other State than the State of Missouri.

§ 3. Brokers and exchange dealers may take on deposit, purchase, or otherwise receive, from companies or persons doing business in this State, any such bank notes or paper currency referred to in the two preceding sections of this act, and which has been received in payment of debt, or in the regular course of trade, from persons residing within or out of this State; but such brokers and exchange dealers shall not be permitted to pay out, or put in circulation in this State, any such bank note or currency, promising or ordering the payment of money or other thing, of less denomination than five dollars.

§ 4. All bank notes and paper currency made payable outside of this State, as aforesaid, which may be received by any such broker or exchange dealer, and of a less denomination than five dollars, shall be by him in good faith sent out of this State for deposit, the payment of debt, or the purchase of exchange.

§ 5. The provisions of this act shall apply to any company or association of persons engaged in the business defined in the first section of the act to which this is a supplement.

§ 6. Before any person or association of persons shall receive a license to do business, or deal as a money broker, he or they shall deliver to the Collector an affidavit that, during the existence of such license, he or they will strictly comply with the requirements of this act; which affidavit, together with the sworn statement now required to be made by the second section of the act to which this is an amendment, shall be filed with the Clerk of the County Court.

§ 7. Any licensed broker, or company of persons, violating the provisions of this act, shall be guilty of a misdemeanor, and punished by a fine not less than one thousand dollars, to be collected by indictment; and it is hereby made the duty of the several courts having criminal jurisdiction in this State, to give this act specially in charge to their respective grand juries.

§ 8. The Bank Commissioner shall report all violations of this act, coming to his knowledge, to the grand jury of the county in which such violations may have occurred, together with all facts connected therewith.

§ 9. All notes, bonds, bills of exchange, or other instruments, purchased in violation of this act, or founded on loans of bank notes or currency, contrary to the provisions herein contained, shall be void in the hands of any such broker or exchange dealer.

§ 10. Before any association of persons shall receive a license to do bu-

siness or deal as a money broker, they shall furnish to the Collector of the county where they propose doing business, under oath, the names of all the persons composing said association, and shall also publish, in some newspaper printed in the place where they propose to do business, the names of the persons composing said association.

Approved March 12, 1859.

CEMETERIES.

AN ACT to amend an act, entitled "An act to protect Family Burying Grounds or Cemeteries."

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the first section of the above recited act be and is hereby amended to read as follows: Any person desirous of securing family burying ground or cemetery on his or her lands, may convey to the County Court of the county in which the land lies, any quantity of land not exceeding one acre, in trust for the purpose above mentioned, the deed for which to be recorded within sixty days after the conveyance; and such grounds, when so conveyed, shall be held in perpetuity as burying grounds or cemeteries for the use and benefit of the family and descendants of the person making such conveyance.

This act to take effect from and after its passage.

Approved March 14, 1859.

COURTS.

AN ACT to establish the Nineteenth Judicial Circuit, and for other purposes.

- Counties composing the Third Judicial Circuit; Nineteenth Circuit formed, to consist of St. Charles county.
- In addition to the duties of the Judge of the Circuit Court of St. Charles county, he shall have exclusive control of probate business in said county, and the clerk of said court shall perform the duties of clerks of County Courts, in other counties, in probate matters.
- Further powers and duties of said court in reference to settlement of estates, or the estates of minors or insane persons.
- Suits against executors or administrators may be prosecuted to final judgment in said Circuit Court, when the demand exceeds one hundred dollars.
- Certain provisions of an act respecting executors and administrators shall not apply to proceedings in this court, unless in certain instances.
- Appeals may be taken from decisions in Probate to the Supreme Court at St. Louis, in certain cases.
- As to the rule of practice of said court in probate business.

BANKING.

14. Said institutions shall not demand or receive any greater amount of interest than allowed by charter; a violation of this provision to forfeit charter; except that bonds of Missouri, or of any county, city or town, may be purchased at a greater rate of discount than above set forth, and except on bills of exchange payable outside of the State, current rates of exchange may be charged.
15. Amount of capital stock to be employed in exchange.
16. Commissioners, at least once in each year, to examine books and affairs of certain corporations.
17. Commissioner may, at any time, make such examination with or without notice; as to his powers in making such examination.
18. Upon such examination Commissioner may, in his opinion such institution violated its charter or the laws of the State, present the facts to the Judge of the Circuit Court for the county in which such institution is doing business; duty of the Circuit Judge in the premises.
19. If such corporation shall have forfeited charter, Court to appoint trustees; Court to possess powers of Court of Chancery.
20. Appeal allowed from final judgment of Commissioner.
21. Bank Commissioner authorized to employ clerks to carry this act into effect; salaries of clerks to be paid monthly out of State Treasury.
22. Institutions herein named to pay the expenses to carry this act into effect; said expenses to be assessed upon the different institutions by Bank Commissioner.
23. Sum drawn from the Treasury for clerk hereinafter named not to be director of institution, when called on by Bank Commissioner, to assist in execution of this act.
24. Person acting as director of institutions herein named not to be director of bank of issue in this State; no person at the same time to be director in more than one institution.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It is hereby made the duty of the Bank Commissioner to institute inquiries into the legal corporate existence of all savings institutions, savings banks, or other incorporated companies in this State, engaged in the

- § 1. Bank Commissioner to inquire into the legal existence of certain corporations; corporations unlawfully or unconstitutionally doing business to be reported to Supreme Court.
2. Upon such presentation, Supreme Court to examine the facts presented; may declare charters null and void, securing rights of certain parties; Supreme Court may appoint trustees when charter shall be declared forfeited.
3. Information to be filed with Supreme Court in the name used by corporation; who process of Court to be served on, and who served by; charter of summons.
4. Corporations having, in the opinion of Bank Commissioner, violated certain act, or any other law, to be presented by him to Supreme Court; said violations to be tried by said Court.
5. As to the character of the charge of violations of law to be preferred by the Commissioner to Supreme Court; as to the evidence to be given by the State upon trial of the charges.
6. Corporation having forfeited charter, form of judgment of Court; as to administration of assets.
7. Corporations having a legal existence to make quarterly reports to Bank Commissioner; what said reports shall set forth.
8. When reports shall be made; Commissioner shall set forth.
9. Reports to be made by.
10. Certain institutions doing business in St. Louis to publish weekly reports; what said reports shall set forth.
11. Certain institutions not to receive, on deposit, bank paper issued outside of Missouri; deposits shall consist of gold and silver, and notes of specie-paying banks of this State.
12. Said institutions prohibited from dealing in any bank paper except Missouri bank paper, in the transaction of its business of buying and selling notes, bonds, bills of exchange, &c.
13. Certificates of deposits to be issued upon bona fide deposits only.

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business of banking, by receiving deposits, discounting notes and bonds, or dealing in exchange or other securities; and if, upon such inquiries, he shall be of opinion that any such institution or company is doing business without lawful authority, or that the act of incorporation thereof is unconstitutional or invalid, he shall present the fact directly to the Supreme Court of the State, by information without oath, in the nature of a *quo warranto*, to test the legal existence thereof; and the proceedings shall be such as required in cases of a like character.

§ 2. Upon the presentation of such information by the Bank Commissioner, as aforesaid, it shall be the duty of said court, as early as practicable, to proceed to try all questions touching the existence and franchises of such institution or company, and may declare the charter thereof null and void; and may thereupon make such orders and decrees as may be deemed just and proper, securing first the rights of depositors, and after the payment of their demands, then all other liabilities of the institution; and for that purpose the court may appoint trustees to take charge of the assets thereof, and may require them to administer the same in such manner as to do the least injury to the public.

§ 3. Such information shall be filed against such body corporate, in the name used by it in the transaction of business; and the process shall be a summons requiring it, by such name, to appear and answer the information, which shall be served on the person acting as President, Cashier, or other chief officer, by the Sheriff of the county in which said body has its principal office or place of business, in the mode required for the service of an ordinary summons in an action at law; and the said summons may be made returnable to the same term at which it is issued.

§ 4. If the Bank Commissioner shall be of opinion that any such body corporate, or savings institution, created by act of the General Assembly, has violated an act entitled "An act to prevent illegal banking and the circulation of depreciated currency in this State," or any other law of the State, by which its charter has become forfeited, he shall present the fact to the Supreme Court, in the manner required in the first section of this act; and the court shall proceed to try such alleged violation, under proceedings similar to those herein prescribed for the trial of questions touching the constitutional existence of such bodies corporate.

§ 5. It shall not be necessary, in any information charging a violation of the "Act to prevent illegal banking and the circulation of depreciated currency in this State," to set out the tenor of any instrument of writing, bank note, or other paper currency, but it shall be sufficient to charge the defendant with the unlawful putting in circulation of instruments in writing, to be used as a currency or medium of trade in lieu of money, or with passing or receiving bank notes, or other paper currency, promising or ordering the payment of money, or other thing, of a less denomination than five dollars; and upon the trial of such information, it shall be sufficient for the State to give general evidence descriptive of the instruments put in circulation, or of the bank notes or other paper currency passed or received.

§ 6. In case it be found that the act of incorporation of any such institution, or body corporate, was, or is, repugnant to the Constitution, or that it has forfeited its charter, then the judgment may be in such form as the court may prescribe, ousting such body of all privileges and franchises, exercised, claimed or granted by its act of incorporation; and the assets shall be secured and administered as directed in the second section of this act.

§ 7. Every institution or company named in the first section of this act, that may not be proceeded against by the Bank Commissioner, as therein provided, or which, upon such proceedings, may be found to have a legal corporate existence, and shall not have forfeited its charter, shall, from and after the passage of this act, be required to make a quarterly report to the Bank Commissioner, showing:

- 1st. The amount of capital stock paid in.
- 2d. The amount due depositors on demand.
- 3d. The amount due depositors on time.
- 4th. The amount due banks or other corporations.
- 5th. The amount of interest and exchange, including all profits since the last dividend.
- 6th. All other liabilities.
- 7th. The amount of gold and silver on hand.
- 8th. The amount of exchange matured and maturing.
- 9th. The amount of notes and bonds discounted.
- 10th. The amount of suspended debt.
- 11th. The value of real estate owned.
- 12th. The amount secured by mortgage on real estate.
- 13th. All other assets.
- 14th. The amount of liabilities of each Director.

§ 8. Said reports shall be made on the first days of January, April, July and October of each year; and immediately after receiving the same, the Bank Commissioner shall cause a copy thereof to be published in at least two daily newspapers in the city of St. Louis, and shall also have the same recorded in a book, to be kept in his office for that purpose, which book shall at all times, during business hours, be subject to inspection by any person demanding an examination thereof.

§ 9. The reports required to be made by the seventh section of this act, shall be verified by the oath of the President, Cashier, or Treasurer of the respective companies making them.

§ 10. Every such institution or company doing business in the city of St. Louis shall, on Monday of each week, cause to be published in at least one daily newspaper printed in said city, a report showing the following items of its account, to-wit:

- 1st. Amount of coin on hand.
- 2d. Amount bills of exchange matured and maturing.

§ 11. No provision in the act of incorporation of any such institution or company, or in any act amendatory thereof, or in any law of the State authorizing the same to receive money on deposit, shall be so construed as to permit said institution or company to receive on deposit the notes issued for circulation by any bank located outside of the State of Missouri; but such deposits shall consist only of gold and silver, and the notes of specie-paying banks of the State of Missouri.

§ 12. No authority heretofore granted to any such institution or company, to discount, buy or sell promissory notes, bonds, bills of exchange, or other securities, or any instrument in writing whatever, shall be so construed as to authorize or permit any such institution or company to discount, buy or sell, take, receive, pay out, or in any manner deal in the notes of banks, individuals or companies, issued for the purpose of circulating as money, other than those issued by the specie-paying banks of the State of Missouri.

§ 13. No such company or institution shall be permitted to issue certificates of deposit to any person or persons, unless the same are based upon an actual and *bona fide* deposit, previously made by the person or persons receiving the certificates.

§ 14. If any such institution or company shall directly or indirectly exact

the use of money, whether in the purchase of bonds, notes, bills of exchange, or other instruments of writing, or for the direct loan of money, a greater rate of interest than that specified in its charter, it shall be deemed to have so forfeited its charter, and further, shall lose all right of action for the collection of the debt on which such illegal rate of interest or exchange may have been charged or received; *Provided*, That this section shall not prevent the purchase at a greater rate of discount than that herein named, of any bonds issued by the State of Missouri, or for which the State is liable, or by any company, city or town of this State; *and provided* That in the purchase of bills of exchange payable outside of the State of Missouri, the current rate of exchange between the points may be charged and collected in addition to the interest herein authorized.

§ 15. It shall not be lawful for any such institution or company to compel or use more than five-eighths of its capital stock, at any time, in the purchase of or dealing in exchange.

§ 16. It is hereby made the duty of the Bank Commissioner, at least once in each year, or by himself, or by some competent and disinterested person or persons, to be by him selected, to examine the books and affairs of each corporation mentioned in this act; and for that purpose he may have access to all funds, papers and effects thereof, and may examine any of the officers or agents thereof, under oath, so as to enable him to make a thorough investigation of its condition.

§ 17. The said Commissioner may at any time enter into and examine the affairs of such institution, with or without notice, as he may see fit, and for that purpose shall possess all the powers conferred on him in regard to the examination of banks of issue, by the "Act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857.

§ 18. If upon any such examination the Commissioner shall be of opinion that such company is in an unsound or insolvent condition, or has, in any manner, violated its charter, or the laws of the State; or that it is engaged, wholly or in part, in any business not authorized by law; or if it shall refuse or neglect to comply with the provisions of this act, he shall present the fact, without oath, in his own name, together with any other factors touching the conduct and management of such institution or company, of which he may have knowledge or information, to the Judge of the Circuit Court of the county in which such company may be doing business; as early as practicable, restraining it from further prosecution of any specified portion, or the whole, of the business of said company, until a final hearing can be had; and upon such final hearing the Court shall inquire into all matters touching the conduct and management thereof, and the that purpose may cause to be summoned, as witnesses, any of the officers or agents of the same; and if it appear that such company or institution has in any manner, violated its charter, or the provisions of this or any other law, or that it is engaged in an illegal business, or is unsound or insolvent,

Approved February 23, 1859.

of St. Louis.

§ 19. The same applies to institutions located, or doing business, within the city as said institutions.

§ 20. No person acting as a director of any institution or company herein named, shall be elected or act as a director of any bank of issue in this State; nor shall any person at the same time act as director in more than one of the execution of this act.

§ 21. It shall be the duty of the Attorney General, at any time when called on by the Bank Commissioner, to counsel, advise, aid and assist him in the execution of this act.

§ 22. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

§ 23. All sums drawn from the Treasury for the payment of clerks, as the Commissioner assessed against such institutions; and, in his reports, the Commissioner shall state the amount collected under this act, and from what institutions, and in what manner the same has been appropriated.

§ 24. He shall be the duty of the Attorney General, at any time when called on by the Bank Commissioner, to counsel, advise, aid and assist him in the execution of this act.

§ 25. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

§ 26. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

§ 27. The Bank Commissioner is hereby authorized to employ a clerk or clerks, sufficient to enable him to carry into execution this act, whose salaries shall be paid monthly, on the certificate of the Commissioner to the Auditor and the Auditor's warrant to the Treasurer; and in his reports to the Governor, he shall give the names of the clerks employed, and the amount paid them.

§ 28. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

§ 29. From any final judgments or decrees of the Circuit Court, under the provisions of this act, either party shall be entitled to an appeal, or writ of error, to the Supreme Court.

§ 30. From any final judgments or decrees of the Circuit Court, under the provisions of this act, either party shall be entitled to an appeal, or writ of error, to the Supreme Court.

§ 31. The Bank Commissioner is hereby authorized to employ a clerk or clerks, sufficient to enable him to carry into execution this act, whose salaries shall be paid monthly, on the certificate of the Commissioner to the Auditor and the Auditor's warrant to the Treasurer; and in his reports to the Governor, he shall give the names of the clerks employed, and the amount paid them.

§ 32. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

§ 33. The Bank Commissioner shall annually assess upon each of the institutions herein named, make subject to his examination, its proportionate part of the expenses incident to the execution of this act, including clerks' salaries; and upon his certificate of the amount due by any institution, the same shall be paid to him; and, if refused, he shall bring suit, in his name, for the collection thereof; the assessments to be made in proportion to the amount of the capital stock paid in.

AN ACT to incorporate the Northern Bank of Missouri, and for other purposes.

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| <p>§ 1. Northern Bank of Missouri incorporated.</p> <p>2. Said corporation vested with the rights, privileges, &c., conferred by general banking law; names of corporators.</p> <p>3. This corporation vested with all the powers conferred by the general banking law.</p> <p>4. Bank to establish branch at Memphis, in Scotland county.</p> | <p>§ 5. Parent bank not required to furnish any capital or coin to said branch.</p> <p>6. Capital of parent bank may be increased; capital of branch.</p> <p>7. Certain parts of the general banking law repealed.</p> <p>8. This bank allowed three years to go into operation.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. A banking company is hereby incorporated and established in the city of Hannibal, to be known by the name and style of "The Northern Bank of Missouri," the capital stock of which shall be six hundred thousand dollars; and said bank shall continue until the last day of December, Anno Domini, eighteen hundred and eighty-three.

§ 2. The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities and franchises contained, and included in the provisions of an act entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March second, eighteen hundred and fifty-seven; and all the provisions of said act are made applicable to the company hereby incorporated, except as the same are repealed or modified by the provisions of this act; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to wit: Tilden R. Selms, Joshua Gentry, George A. Hawes, John I. Campbell, Bryson Stillwell, Russell W. Moss, Robert H. Griffith, John B. Helms, A. W. Lamb, and William Newland.

§ 3. The said corporators, their successors, and the future holders of the capital stock of said company, are hereby invested with all the powers and authority conferred by the act above recited, as fully as if the same were herein specially enumerated and set forth.

§ 4. The bank hereby incorporated shall, within six months after commencing business in the city of Hannibal, cause books to be opened for the subscription of stock, to an amount not exceeding one hundred and fifty thousand dollars, at Memphis, in Scotland county; and so soon as one hundred thousand dollars shall be subscribed at Memphis, it shall be the duty of the parent bank to establish a branch of said bank at such point, upon the capital so subscribed; and upon the payment of fifty thousand dollars by the stockholders of such branch, it shall be entitled to commence the business of banking.

§ 5. The said branch shall be established, governed and controlled in the manner now required by law, except that the parent bank shall not be compelled to furnish any part of the capital or coin for its establishment or business.

§ 6. In order that the branch above named may be established with a capital of one hundred and fifty thousand dollars, the said bank may authorize an increase of its capital stock, to the amount of one hundred and fifty thousand dollars, over and above the amount fixed by the first section of this

act; but the whole capital of the bank, to be taken at the parent and branch, shall at no time exceed seven hundred and fifty thousand dollars, one hundred and fifty thousand dollars of which shall be reserved for the branch, as aforesaid.

§ 7. The act entitled "An act to incorporate the Northern Bank of Missouri," approved November twenty-third, eighteen hundred and fifty-seven, and the fourth chapter of the fourth article of an act, entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March second, eighteen hundred and fifty-seven, are hereby repealed.

§ 8. The corporation hereby created shall have three years from and after the passage of this act to go into operation.

This act to be in force from and after its passage.

Approved March 2, 1859.

AN ACT to amend the charter of the Western Bank of Missouri.

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| <p>§ 1. Capital stock of Western Bank increased; said bank to establish two additional branches.</p> | <p>§ 2. Parent bank not to furnish any coin to branches at Fulton, Glasgow, or Alexandria.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Western Bank of Missouri is hereby increased to one million five hundred thousand dollars, and the said bank shall establish two additional branches, one at the city of Glasgow, in the county of Howard, and one at Alexandria, in the county of Clark, each with a capital of not less than one hundred thousand dollars.

§ 2. The parent bank shall not be required to furnish any amount of coin to the respective branches at Fulton, Glasgow, or Alexandria, as provided in sections three and five of article two of the act, entitled "an act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners."

This act to take effect from and after its passage.

Approved February 28, 1859.

AN ACT to amend the charter of the Exchange Bank of St. Louis.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The first section of chapter one, article four, of the "Act to regulate Banks and Banking Institutions, and create the office of Bank Commissioner,"

is hereby so amended as to strike out the words "Neosho, in Newton county," and insert "Columbia, in Boone county."

This act shall take effect and be in force from and after its passage.

Approved January 28, 1859.

AN ACT to incorporate the Union Bank of Missouri.

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| <p>1. A banking company authorized under the name of the Union Bank of Missouri; its capital; to continue until 1860; to establish six branches; places at which branches shall be established; capital of branches.</p> | <p>2. Provisions of general banking law made applicable to this banking company; corporators named.</p> <p>3. Corporators vested with the powers, privileges, and franchises set forth in the general banking law.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

AN ACT concerning the organization of the Branch of the Bank of St. Louis, at Kirksville, in Adair county.

- § 1. The Bank of St. Louis authorized to organize its Kirksville branch, notwithstanding the time has expired within which it should have been organized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Bank of St. Louis is hereby authorized to organize the Kirksville branch of the said bank, at any time within twelve months after the passage of this act; and the failure to organize said branch bank heretofore or to open books for subscription to the capital stock of said bank within six months after the parent bank commenced business, shall in no wise affect the chartered rights of said bank, or the right to organize said branch bank.

This act to take effect from and after its passage.

Approved March 9, 1859.

AN ACT authorizing the Governor of the State to subscribe additional stock to the Bank of the State of Missouri.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. In addition to the amount now authorized and required to be subscribed and owned by the State in the Bank of the State of Missouri, by the first section of the tenth chapter of an act entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857, the Governor of the State is hereby authorized and required to subscribe for eight hundred and sixty-three shares of stock in said bank, to constitute a part of the State school fund; and said amount when so subscribed, shall be held by the bank, and represented by the State in the same manner as required by the provisions of said act.

This act to take effect from and after its passage.

Approved March 14, 1859.

§ 1. The stockholders of the State Savings Institution, incorporated December seventh, 1855, having failed to organize a bank under the charter granted them by chapter nine of an act, entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," which became a law at the session of the Legislature in the years 1856-7, and said charter having thereby become null and void, a banking company is hereby established in lieu thereof, in the city of St. Louis, to be known by the name and style of "The Union Bank of Missouri," the capital stock of which shall be one million and a half of dollars; and said bank shall continue until the end of the year 1890, and shall establish six branches at the following points, viz: One at Lagrange, in Lewis county; one at Milan, in Sullivan county; one at Richmond, in Ray county; one at Warrensburg, in Johnson county; one at Kansas City, in Jackson county; one at Charleston, in Mississippi county; the capital of each of which shall not be less than one hundred thousand dollars.

§ 2. The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises contained and included in the first, second and third articles of the act, entitled "An act to regulate Banks and Banking Institutions, and to create the office of Bank Commissioners;" and the said articles of said act are hereby made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to wit: Lewis Bissell, David Anderson, Isaac H. Sturgeon, Samuel C. Davis, Henry Overstolz, Gladdin Gorin, and John Brotherton.

§ 3. The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid in the manner prescribed by the first, second and third articles of the act, entitled "An act to regulate Banks and Banking Institutions, and to create the office of Bank Commissioners," are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specifically and particularly enumerated and set forth.

This act to be in force from its passage.

Approved March 2, 1859.

AN ACT to amend "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners."

Be it enacted by the General Assembly of the State of Missouri, as follows:

The Mechanics' Bank is hereby authorized to establish two additional branches of said bank, to be located at such points within the State of Missouri, as the Directors of said bank shall designate and choose. Said branches, when established, shall be subject to all the provisions of law appertaining to the branches of said banks heretofore established.

This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

AN ACT concerning the Exchange Bank of St. Louis.

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| <p>§ 1. Exchange Bank may increase capital stock of its branches.</p> <p>2. May keep books for subscription to stock open for three years.</p> | <p>§ 3. All acts inconsistent with this, inoperative, so far as to this bank.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of the Exchange Bank of St. Louis shall have power to increase the capital stock of each or either of its branches, from the capital stock of the parent bank, to any sum not to exceed two hundred and fifty thousand dollars.

§ 2. Said bank shall be allowed to keep open its books for subscription to the capital thereof, for three years from the date it commenced business.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby declared inoperative as to said bank.

This act to take effect and be in force from and after its passage.

Approved March 14, 1859.

AN ACT to reduce the salary of Bank Commissioners.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That so much of the third section of article three of an act, entitled "An act to regulate Banks and Banking Institutions, and to create the

offices of Bank Commissioners," as provides for the compensation of Bank Commissioners, be, and the same is hereby, repealed.

§ 2. That the annual salary of the Bank Commissioner shall be three thousand dollars, and that of the Assistant Bank Commissioner shall be two thousand dollars.

This act to take effect from and after its passage.

Approved March, 1859.

AN ACT to amend the charter of the Southern Bank of St. Louis.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Southern Bank of St. Louis, in this State, is hereby increased five hundred thousand dollars, and said bank is hereby authorized and required to establish two additional branches, one at Savannah, in Andrew county, and one at Gallatin, in Daviess county, in this State, on the same principal now required by the charter of said bank in establishing branches.

This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

AN ACT in regard to the Bank of the State of Missouri.

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| <p>§ 1. Authorizes the bank to locate the branch provided for at Jefferson City at any other point, if the stock of said branch is not taken by first of April.</p> <p>2. The Bank of the State authorized to establish two additional branches.</p> | <p>§ 3. Copies of the orders required by the 1st and 2d sections of this act, to be filed in Secretary of State's office.</p> <p>4. Capital of the branches herein authorized.</p> <p>5. Capital of branches at Louisiana and Cape Girardeau may be reduced.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It may be lawful, at any time, after the passage of this act, for the Board of Directors of said bank, at St. Louis, by the vote of a majority of all the members of said board, to be entered upon the minutes of the proceedings the bank, to change the location of the branch now required to be established at Jefferson City, in Cole county, to any other point in the State; *Provided*, That the required stock shall not be taken in said branch by the first day of April next; and when said order shall have been made, the said board may cause books to be opened for the subscription of

stock at the place selected for the location of said branch, in the same manner as now required by law; and the said branch, when established shall be subject to the same rules and regulations as now provided by law for the branch at Jefferson City.

§ 2. Said Board of Directors of the Bank of the State of Missouri, St. Louis, are hereby authorized and empowered to establish, within the State, not exceeding two branches of said bank, in addition to those now authorized by law, at such places, and at such time, as the said board may deem proper; which branches, when established, shall be subject to the same regulations and restrictions as now provided for the branches of said bank.

§ 3. A copy of the orders, mentioned in the first and second sections of this act, certified to be correct by the Cashier of the bank, shall be filed in the office of the Secretary of State, within twenty days after the making thereof.

§ 4. The two additional branches, authorized by the second section of this act, shall each have a capital of not less than one hundred thousand dollars, and not exceeding three hundred thousand dollars; the amount thereof to be fixed by the order of the said board at St. Louis, at the time of the establishment.

§ 5. To enable the said bank to establish the two branches mentioned in the second section of this act, the Board of Directors at St. Louis may, with the consent of the respective Boards of Directors at Louisiana and Cape Girardeau, reduce the capital stock of said branches, to-wit, the Louisiana and Cape Girardeau branches, to two hundred thousand dollars each.

This act to be in force from and after its passage.

Approved February 19, 1859.

BLIND.

AN ACT authorizing the sale of a part of the land in the city of St. Louis, held for the use of the "Missouri Institution for the Education of the Blind."

§ 1. Authorizes "Trustees of the Institution for the Education of the Blind" to sell certain real estate in St. Louis; limit as to price said estate may be sold for; and trustees authorized upon sale to execute deed of conveyance.

WHEREAS, it has been represented to the General Assembly that a certain portion of the land hereinafter described, situated in the city and county of St. Louis, which was purchased and acquired for the use of the "Missouri Institution for the Education of the Blind," is not needed for said institution; and, whereas, it has been further represented that the public convenience of said city requires that a public street or thoroughfare should be extended over and made upon the said portion of land which is described as follows: beginning at a point in the south line of Franklin Avenue, distant westward from the west line of Nineteenth (19th) street, formerly called _____ street, three hundred and eighty-one and eleven-twelfths (381 11-12); thence southwardly on a line parallel with the east line of Twentieth (20th) street, to the north line of Morgan street; thence westwardly along the north line of Morgan street twenty-five feet; thence northwardly on a line parallel

with the east line of Twentieth (20th) street to the south line of Franklin Avenue, and thence eastwardly along Franklin Avenue twenty-five feet (25), to the place of beginning; and, whereas, it is apparent that no inconvenience or injury can arise to said institution or the State, by the sale of said parcel of land, for its reasonable value; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the trustees of the "Missouri Institution for the Education of the Blind," be and they are hereby authorized and empowered to bargain, sell and convey said above mentioned parcel of land to the city of St. Louis, or any other purchaser, for the best price or sum that can be obtained therefor; not, however, for less than the sum of three thousand seven hundred and fifty dollars (\$3,750); and upon making sale thereof, said trustees, by their President, under the seal of said institution, shall have power and authority to convey the said land by a good and sufficient deed therefor, to the purchaser or purchasers thereof.

This act to take effect and be in force from and after its passage.

Approved February 9, 1859.

BROKERS.

AN ACT supplementary to an act, entitled "An act to license and tax Money Brokers and Exchange Dealers," approved November 23, 1853.

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| <p>§ 1. Money brokers or exchange dealers not allowed to receive on deposit, from any bank or broker outside of this State, any bank note or other paper currency, except the specie-paying banks of this State.</p> <p>2. Money brokers or exchange dealers not allowed to receive (to put into circulation in this State) any such note or paper currency, payable outside of this State, from any bank, &c., located in any other than this State.</p> <p>3. Money brokers or exchange dealers may receive, from persons doing business in this State, the bank notes or paper currency referred to in the preceding sections, which has been received in payment of debts from persons residing either in or out of the State; but money brokers or exchange dealers are not allowed to pay out, in this State, such bank note of less denomination than five dollars.</p> <p>4. Bank notes payable out of this State, received by money brokers or exchange dealers, of a less denomination than five dollars, shall be by said money brokers or exchange dealers sent out of the State in good faith.</p> | <p>§ 5. To whom the provisions of this act shall apply.</p> <p>6. Before a license shall be delivered to a money broker or exchange dealer, he shall give to Collector an affidavit that he will comply with this act; said affidavit to be filed with County Court Clerk.</p> <p>7. Penalty for violating this act; this act to be given in charge to grand jurors especially.</p> <p>8. Bank Commissioners to report violations of this act to grand jury.</p> <p>9. All notes, bonds, &c., purchased in violation of this act, or founded on loans contrary to this act, shall be void in the hands of money brokers, &c.</p> <p>10. The names of persons proposing to associate together to do business as money brokers, shall be published, under oath, before they shall be entitled to receive a license.</p> |
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him; and where several attachments, in favor of different plaintiffs, are levied on the same property, all or any number of such plaintiffs may join in the same action for that purpose.

§ 3. If it shall be made to appear that any garnishee had, before his garnishment, executed to any defendant a negotiable promissory note which, at the time of the garnishment, was unpaid, the court or the Judge thereof may order the defendant to deliver the same into court; and if the defendant, in showing cause for the non-delivery thereof, allege an endorsement or delivery thereof to some other person before the order of the court came to his knowledge, the fact of such transfer, and the consideration and good faith thereof, may be inquired into and determined by the court; and in order thereto the alleged endorsee or transferee and the defendant may be examined on oath in open court, and if it appear that such endorsee or transferee holds the same by a fraudulent endorsement or delivery, the court may order him to deliver such note into court. Any order of delivery made in pursuance hereof may be enforced by attachment of the body of the party to whom it is directed. When any note shall be delivered into court in pursuance of this section, the court shall take proper measures to cause any endorsers thereon to be notified at its maturity of its non-payment.

§ 4. If an attachment be obtained on either of the grounds specified in the first, third, or fourth subdivisions of section one of the act to provide for suits by attachment, approved December 8, 1855, or if, after an attachment issued, an additional affidavit be filed alleging any fact embraced in these subdivisions, the Clerk shall order a publication to be made as required in section twenty-three of article one of said act, and he may, in like manner, order publication in any case in which, by said section, it is required to be ordered by the court.

§ 5. When attached property shall be sold by the order of the court or the Judge thereof, the Sheriff shall, with his report of the sale, pay into court the money received by him from the sale, unless the court or Judge otherwise order.

This act shall take effect upon its passage.

Approved January 14, 1860.

AGRICULTURAL.

AN ACT in relation to Agricultural Societies.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of any Agricultural Society in this State who are entitled to receive any money from the county or State, as provided by law, are authorized to award the same in premiums, or to purchase premiums to be awarded according to the rules, regulations, and by-laws of the society, as provided by act approved November 23, 1855.

This act to be in force from and after its passage.

Approved January 14, 1860.

BANK.

AN ACT to amend an act entitled "An act to incorporate the Farmers' and Mechanics' Savings Bank," approved November 21, 1857.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The seventh section of the act to which this act is amendatory is hereby amended so as to allow the "Farmers' and Mechanics' Savings Bank" to elect a number of Directors, not less than five, nor more than nine.

§ 2. The second section of the act to which this act is amendatory is hereby amended so as to extend the time for opening the books for the subscription of the stock of the Farmers' and Mechanics' Savings Bank until the 21st day of November, 1860.

This act to take effect from and after its passage.

Approved January 14, 1860.

AN ACT to amend an act regulating Banks and Banking Institutions, and to create the office of Bank Commissioner.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The time for receiving subscriptions to the capital stock of "the Mechanics' Bank," of Saint Louis, and her branches, is hereby extended for the period of one year from and after the time now limited by the charter of said bank.

This act to be in force from and after its passage.

Approved January 14, 1860.

AN ACT to extend the time for subscriptions to the Branch of the Western Bank of Missouri, at Alexandria.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Commissioners appointed to open books for the subscription to the stock of the branch of the Western Bank of Missouri, at Alexandria, are hereby authorized and empowered to open and keep open books for the subscription to said stock for the period of three years, unless the whole of said stock should be subscribed for before that time.

§ 2. Any act or part of an act inconsistent with the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved December 15, 1859.

AN ACT concerning the Bank of St. Louis.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the President and Directors of the Bank of St. Louis, and of the branches of said bank, are hereby empowered to keep open books for subscription to the capital stock of said bank, as is now provided by law, until the first day of September, 1862, unless the whole capital stock of said bank shall be sooner subscribed.

§ 2. That so much of the present bank act as conflicts with this act is hereby declared to be inoperative and void, as applicable to the Bank of St. Louis.

This act to take effect and be in force from and after its passage.

Approved January 5, 1860.

AN ACT concerning the Union Bank of St. Louis.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of the Union Bank of St. Louis shall have power to increase the capital stock of the Richmond branch, from the capital stock of the Parent Bank, one hundred thousand dollars.

§ 2. Said bank shall be allowed to keep open its books, for subscription to the capital stock thereof, for three years from the date it commenced business.

§ 3. All acts or parts of acts, inconsistent with the provisions of this act, are hereby declared inoperative as to said bank.

This act to take effect and be in force from and after its passage.

Approved January 10, 1860.

AN ACT concerning the Western Bank of Missouri.

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| § 1. Bank authorized to increase capital stock of branch. | § 2. Bank allowed to keep open books for subscription to capital stock three years; proviso as to the Fulton branch. |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of the Western Bank of Missouri shall have power to increase the capital stock of the branch of that bank at Glasgow, from the capital stock of the Parent Bank, to the sum of three hundred thousand dollars.

§ 2. Said bank shall be allowed to keep open its books for subscription to the capital stock thereof for three years from the date it commenced business, and any act inconsistent with the provisions of this act is hereby de-

clared inoperative as to said bank: *Provided*, That the Parent Bank shall, (having first been requested, in writing, to do so, by two or more citizens of the county of Callaway,) once in every eight months, until the Fulton branch shall be organized, cause books to be opened at Fulton, in the manner provided by law, for subscription to the capital stock of said bank.

This act to take effect and be in force from and after its passage.

Approved December 14, 1859.

AN ACT to amend the Charter of the Mechanics' Bank of St. Louis.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the first section of chapter fifth, article fourth, of the act to regulate banks and banking institutions, and to create the office of Bank Commissioner, be and the same is hereby so amended as to read Bloomfield, in Stoddard county, instead of Fredericktown, in Madison county.

This act to take effect and be in force from and after its passage.

Approved December 26, 1859.

COSTS.

AN ACT for the Payment of Costs in a Criminal Case.

WHEREAS, David C. Pemberton, William N. Pemberton, Elizabeth Pemberton, and Mary L. Cymrup, late of the county of Henry, in the State of Missouri, having been arrested and examined before Willis W. Huff, a Justice of the Peace within and for said county, upon a charge of murdering Dupue; and whereas, the said defendants were committed to the jail of said county, but owing to some informalities before said Justice, the said defendants were discharged under a writ of *habeas corpus*, and the said defendants, being afterwards indicted for said murder, and have since made their escape; therefore

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer of this State in favor of Alexander Kinsey, Constable of Big Creek township, in Henry county, for the sum of seventy-one dollars, that being the amount of the fee bill against the State, in the above cause, the said sum to be paid out of the fund appropriated for the payment of costs in criminal cases, and deliver the same to Dewitt C. Stone, as his authorized agent.

This act to take effect and be in force from and after its passage.

Approved January 14, 1860.

BANK.

AN ACT to amend an act entitled "an act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners."

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the above recited act be so amended as to allow the branches of the Bank of the State of Missouri, one located at Canton, in the county of Lewis, and the other in St. Joseph, in the county of Buchanan, until the first day of January, 1861, to open books for the subscription of capital stock assigned said branches by law, and in the same manner as is provided for by the above recited act to which this is amendatory.

This act to take effect and be in force from and after its passage.

Approved March 30, 1860.

BANKING.

AN ACT explanatory of an act entitled "an act to prevent illegal Banking, and the Circulation of depreciated Paper Currency within the State," approved December 8, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Nothing contained in the act to which this act is explanatory shall be so construed as to work a forfeiture of the charter of any literary corporation in this State, or to bar the collection of any debt due and owing to any such corporation, because of the Treasurer or authorized agent of any such corporation having heretofore received in payment of the debts or demands due and owing to said corporation, or who may have paid out for debts due or owing by any such corporation any bank note or other paper currency of less denomination than five dollars.

This act to be in force from and after its passage.

Approved March 6, 1860.

CAPITOL GROUNDS.

AN ACT to provide for the Completion of the Improvement of the Capitol Grounds.

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| <p>§ 1. Appropriation for improvement of Capitol Grounds; in accordance with what plan grounds to be improved.</p> <p>2. How money to be expended, and under whose direction.</p> | <p>§ 3. Amount to be drawn from Treasury under this bill, erection of an armory to be built.</p> <p>4. Convict labor to be used.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the sum of ten thousand dollars be, and the same is hereby, appropriated for the completion of the improvement of the Capitol Grounds, according to the plans and specifications furnished to the committee on Public Buildings by the Engineer, as far as the committee hereinafter provided for shall deem expedient, except that the plan shall be so modified as not to allow any excavation around the Capitol building to be made.

§ 2. Said sum shall be applied to the completion of said work, and for discharging the expense already incurred and remaining unpaid, and the Commissioners of Public Buildings, the Attorney General, and Treasurer shall constitute a committee to supervise and control the same; and upon the presentation of any account for work or labor done upon said grounds, the correctness of which being vouched for by said committee, the Auditor of Public Accounts is hereby directed to issue a warrant upon the Treasury in favor of the party entitled thereto, from time to time, during the progress of such improvement.

§ 3. There shall not be more than ten thousand dollars drawn from the Treasury under the provisions of this act, under any pretense whatever. In addition to the said sum of ten thousand dollars, the sum of fifteen hundred dollars is hereby appropriated out of any funds in the Treasury not otherwise appropriated, to be expended in erecting an armory, or suitable building on the Capitol Grounds, for keeping and preserving the arms of the State; and that the labor of Penitentiary convicts may be employed for this purpose, the work to be done under the direction of the Quartermaster-General.

§ 4. For the early completion of said work there is hereby authorized to be employed one hundred convicts from the Penitentiary, to be worked upon said improvement under the government and discipline of the Penitentiary.

This act to take effect from and after its passage.

Approved March 30, 1860.

CHANGE NAME.

AN ACT to change the name of Dorea Estella Banton.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The name of Dorea Estella Banton, (the daughter of James and Phoebe Banton,) is hereby changed to that of Alda Estella Hummer, and by that name shall hereafter be known; and rights, titles to property and claims to which she would be entitled under her former name, shall be valid in the name hereby given.

§ 2. The aforesaid Alda Estella Hummer is hereby declared to be an heir at law and equity of John N. Hummer, of Macon county, and as such shall be entitled to take by descent and inherit from the said John N. Hummer, in like manner and to the same extent as if she had been born to him.

This act to take effect and be in force from and after its passage.

Approved March 30, 1860.

The President laid before the Convention the following communications, which were read and laid on the table.

HALL OF THE CONVENTION, }
ST. LOUIS, March 11, 1861. }

To the President of the Missouri Convention:

I beg leave to call the attention of the members of the Convention to the enclosed opinion of my legal adviser, and the law officers of this State, as to my duties, as Auditor of the State, in auditing and allowing the per diem and mileage of the members and officers of your body, under the provisions of an act entitled "An Act to provide for the calling a State Convention, approved January 21st, 1861."

I regret that I am unable, under the law, to issue warrants for the payment of members, &c. I will be happy at any time, when it suits the pleasure and convenience of the Convention, to audit the claims and issue certificates to the members, believing that the present General Assembly will soon pass an appropriation act for the pay of the Convention and its officers.

Very respectfully.

Your obedient servant,

WM. S. MOSELEY,
Aud. of Pub. Accounts of Mo.

ST. LOUIS, Mo., March 11, 1861.

Hon. W. S. Moseley, Auditor of Public Accounts:

SIR:—In reply to inquiry as to your duties in relation to the accounts of members, officers and assistants of the Convention now in session, I would respectfully say that, in my opinion, as the act calling the Convention provides that their compensation shall be the same as now provided by law for members, officers and assistants of the House of Representatives, you are authorized to audit their accounts and issue certificates, as in other cases, where there has been no appropriation; but where the appropriation has been exhausted, or until an appropriation shall have been made you can not draw warrants in their favor for the amounts respectively due them.

Respectfully,

JAS. PROCTOR KNOTT.

On motion of Mr. DONIPHAN the Convention adjourned.

TENTH DAY,

TUESDAY, MARCH 12, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Monroe.

The journal of the proceedings of yesterday was read and approved.

Mr. NORRIS called up the amendments, offered by Mr. Moss, to the fifth resolution of the Committee on Federal Relations, and pending the consideration of which,

On motion of Mr. WELCH, the Convention adjourned until two o'clock P. M.

EVENING SESSION.

The Convention met pursuant to adjournment, and resumed the consideration of the amendments offered by Mr. Moss.

Mr. RITCHIE offered to amend the first line by adding the word "prosperity" in lieu of "fate," which amendment was rejected.

Also, the following: In the third line after the word "never," "while she stays in the Union," which was rejected.

Mr. DOUGLASS offered the following as a substitute for the amendment, which was rejected by the following vote, the ayes and noes having been called for by Mr. Douglass:

"And, entertaining these views, we hereby declare that Missouri will not countenance or aid a seceding State in making war on the Federal Government, nor will she countenance or aid the General Government in any attempt to coerce the submission of a seceding State by military force."

AYES—Messrs. Birch, Chenault, Doniphan, Donnell, Douglass, Drake, Dunn, Gamble, Givens, Gorin, Hatcher, Hough, Irwin, Knott, Marmaduke, Noell, Norton, Phillips, Ray, Redd, Sayre, Shackelford of St. Louis, Shackelford of Howard, Watkins and Mr. President—25.

NOES—Messrs. Allen, Bartlett, Bass, Bast, Bozy, Breckinridge, Broadhead, Bridge, Bush, Brown, Calhoun, Cayce, Comingo, Crawford, Eltzen, Frayser, Flood, Foster, Gantt, Graveley, Hall of Buchanan, Harbin, Henderson, Hendrick, Hill, Hitchcock, Holmes, Holt, How, Howell, Hudgins, Isbell, Jackson, Jamison,

AN ACT to appropriate money for the support of the Missouri Institution for the Education of the Blind.

- § 1. Appropriation for Institution of Blind, for the years 1861 and 1862. § 2. Certain section of previous law suspended.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of ten thousand dollars for the year one thousand eight hundred and sixty-one, and a like sum of ten thousand dollars for the year eighteen hundred and sixty-two, are hereby appropriated for the support and maintenance of the Missouri Institution for the Education of the Blind during the said years of 1861 and 1862; which sums thus appropriated shall be paid to the Treasurer of said Institution out of any money in the Treasury not otherwise appropriated, as follows: ten thousand dollars on or before the first day of May, 1861, and ten thousand on or before the first day of March, 1862.

§ 2. The third section of an act entitled "an act for the support of the Missouri Institution for the Education of the Blind," approved February 16, 1858, is hereby suspended for the said years, 1861 and 1862, and said Institution shall not be entitled to receive any part of the annual appropriations provided for in said section three, for the years aforesaid.

This act to take effect immediately.

Approved March 28, 1861.

ATTORNEY.

AN ACT amendatory of "an act concerning County Attorneys."

- § 1. Provisions in reference to duties of County Attorney in cases before Justices of the Peace. § 2. Compensation of County Attorney. § 3. Cases referred to in preceding sections not to be tried unless County Attorney be present. § 4. Compensation of County Attorney. § 5. County Attorney to be notified of cases herein referred to. § 6. Penalty on officers for failing to carry out this act. § 7. In a case of vacancy in office of attorney, an attorney may be appointed specially; his compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be the duty of the County Attorneys to attend to, and prosecute on behalf of the State, all cases before Justices of the Peace, where the State is made a party thereto; and the punishment of the offense for which the prisoner is charged, may be imprisonment in the county jail or State Penitentiary.

§ 2. In all cases where any person or persons are brought up on writs of habeas corpus, before a Judge of the County Court, it shall be the duty of such attorney to attend upon the hearing of such application, on behalf of the State.

§ 3. No Justice of the Peace or County Judge having jurisdiction, shall allow any such cases as are alluded to in the preceding sections, tried before him, without the County Attorney is present, or some one properly qualified to prosecute for him.

§ 4. The County Attorney shall be allowed as a compensation for his services, any amount not exceeding two hundred dollars per year, to be allowed by the County Court, and paid out of the common fund of the county.

§ 5. It shall be the duty of any Justice of the Peace, or County Judge, before trying such cases as are alluded to in sections one and two, to give due notice to the County Attorney.

§ 6. Any and all officers named in this act, who fail or refuse to comply with their respective duties therein named, may be fined any sum over five hundred dollars, and not exceeding five thousand dollars, and six months imprisonment in the county jail.

§ 7. If at any time there should be a vacancy in the office of County Attorney for any county, it shall be the duty of the Judge, or Justice of the Peace, before whom any cause, as hereinbefore provided for, shall be pending, to appoint some competent person to represent the State in such cause, and fix his compensation therefor, which shall be taxed as cost in such cause.

This act to take effect from and after its passage.

Approved March 28, 1861.

BANK.

AN ACT for the relief of the Bank of the State of Missouri, the Merchants' Bank, the Mechanics' Bank, the Exchange Bank, the Southern Bank, the Union Bank, the Bank of St. Louis, the Farmers' Bank of Missouri, and the Western Bank of Missouri.

- § 1. Penalties and forfeitures for suspension of specie payments by certain banks, suspended until May 1st, 1862, upon conditions herein set forth. § 2. Exempted from payment of interest on circulation by reason of suspension; banks allowed to receive, but not pay out, the notes of specie paying banks of other States, of the denomination of five dollars and upwards; penalty for putting in circulation the notes of banks of other States. § 3. Banks allowed to receive the notes of each other in payment of debts or on deposit during the period of suspension herein provided for; other chartered institutions allowed the same privilege during the period of suspension; no parent bank to receive notes of branch at discount, at any time hereafter; all chartered monied institutions, and all money dealers, prohibited from keeping any account except in cash; deposits subject to be drawn in cash, at the discretion of check holder; what the term "cash," as herein used, means. § 4. Penalty for violations of preceding section; how penalty to be received; all acts conflicting with this section and the preceding repealed; duty of Bank Commissioner in reference to this matter. § 5. Banks required, during period of suspension, to make renewals of loans upon certain specified conditions. § 6. Provisions in original charters as to the time within which full payment for stock shall be made suspended until resumption of specie payments. § 7. Commissioner required to cause notes issued after passage of this bill to be stamped. § 8. Person under protest not eligible to place of director; director in office remaining under protest twenty days, vacates his office; said vacancy how filled.

9. Provisions in original charters in reference to publication of weekly statement repealed.
10. Two members of same copartnership not allowed to be directors at same time in any bank; persons holding certain other positions, or engaged in certain other business, not allowed to be a director in any bank.
11. Rate of interest for discount, and for exchange; banks prohibited from issuing more than two for one; if any bank has received more from the Commissioner, to return such excess within a year; duty of Commissioner in reference to notes so returned.
12. Provisions in reference to taxing said banks.
13. Hereafter demands for redemption of notes, considered as one demand, without regard to size or number of notes, to be paid promptly.
14. Parent bank not to send to any branch to be put in circulation, any notes, except such as have been by the Commissioner prepared for such branch; Governor, for certain purpose, authorized to sell stock in the bank of the State, owned by the State; banks required, in ninety days from the passage of this act, to pay into State treasury five hundred thousand dollars, for which Governor is to issue bonds of the State; when said bonds to be made payable; bills of the banks receivable in dues to the State.
15. The affairs of any bank going into the hands of trustees, as provided by section 9 of original charter, trustees to give bond to be approved by Bank Commissioner.
16. Certain sections of original bank law repealed.
17. Director, or other officer of a parent bank, not allowed to be a subscriber for stock in a branch of said bank, while there is unsubscribed stock in the parent; any such person holding stock in a branch, not allowed to vote for officers of said branch; directors failing or refusing to order an election of directors, ten stockholders may call a meeting to provide for such election, which election, when so held, shall be valid.
18. Liabilities, of any kind, of directors, both in parent and branch, to be included in the quarterly statements required to be made; amount said liabilities not to exceed.
19. Guardians, executors, and curators authorized to vote at election for directors, and to do generally such acts as may be necessary to guard the interest of estates under their care; they are also authorized to appoint proxies; all stockholders authorized to appoint proxies.
20. As to filling vacancies in office of director of branch bank.

21. Mechanics' Bank authorized to establish a branch at Carthage, and at Shelbyville; authorized to open books for subscription to stock at both of said points.
22. Farmers' Bank authorized to establish a branch at Neesho; authorized to transfer any amount of its capital to said branch, not exceeding one hundred thousand dollars.
23. The stockholders of the Bank of Saint Louis, incorporated under the name of Bank of Commerce, to be located at Booneville; its capital.
24. Stockholders of the Bank of St. Louis to meet and determine, after due notice, whether or not they will assent to the provisions herein contained in reference to establishment of Bank of Commerce; said meeting not to be delayed longer than four months from passage of this act; and by whom notice for the meeting of stockholders to be given; if the provisions are approved, Secretary of State to be notified thereof; Secretary to file such notification with the roll of this law; thereupon said stockholders shall be fully incorporated as the Bank of Commerce; when and where first election of directors to be held; duration of said corporation.
25. Guardians, administrators, executors, and curators authorized to vote for those whose interest they represent, on proposition to approve or reject this act.
26. For purposes of liquidation, directors of Bank of Commerce to set apart a certain amount to the credit of the Bank of St. Louis, and give notice thereof; liabilities not presented in five years may be forever barred.
27. Said corporators fully vested with all the powers and privileges conferred by the act creating the banks, as if the same were herein named.
28. The Bank of Commerce required to establish three branches; where; capital of said branches; holder of stock in the Bank of St. Louis, at St. Louis, to be allowed to have his stock converted at par into stock of the branch of Commerce at St. Louis.
29. As to manner of choosing the president and directors of said branch bank.
30. The banks required to redeem in coin five dollar notes on certain conditions.
31. Notes for circulation at branch to be made payable at branch; may be delivered at parent bank, to be transmitted to branch; duty of Commissioner in the premises, before delivering notes for branch; the circulation of paper of the branches only to be put into circulation by the branches; parent bank using branch paper, until the same has first been put into circulation by the branch,

to be deemed a violation of its charter.

32. The stockholders of the banks to meet and approve or dissent from the provisions of this act; when said meeting to be held, and where; notice of said meeting to be given; how and by whom; if the act be approved, Presidents to notify Secretary of State, such notification to be filed with the original roll of this law; then to be deemed a part of the charter of the banks accepting it; a violation of any of the provisions herein contained, to be taken as violation of charter; and thereupon affairs of

such bank to be proceeded with as such in the original charter for violations of same.

33. Persons and corporations doing a banking business, prohibited, after the first day of January, 1862, from putting in circulation bank notes other than of the banks of this State; penalty for violation of this provision; how recovered; duty of Bank Commissioner in reference to this provision; disposition to be made of penalties recovered under this provision; certain section of act approved Feb. 28, 1859, respecting savings institutions, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All the provisions of an act entitled "an act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857, which subject the said Banks to any penalty, by way of forfeiture of charter, because of a failure to pay the liabilities of said Banks in specie, on presentation; and all provisions of said act, which authorize or direct any proceedings to be commenced and prosecuted against said Banks, or which authorize and direct any proceeding by any officer against said Banks, because of the suspension of specie payments by the same, be and the same are hereby suspended, subject to the conditions and restrictions herein contained, until the first day of May, 1862; and if, on or before the day named aforesaid, the said Banks shall fully resume the payment of their debts and liabilities with gold and silver coin, then the said Banks shall have all the rights, benefits and advantages granted by the charters, except in cases where its provisions conflict with this act, and shall be exempt from the penalty of forfeiture, as if no suspension of specie payment had taken place.

§ 2. No person receiving or taking, as the owner thereof, from the Banks, after the passage of this act, any note or bill of said Banks, issued for circulation, shall be entitled to receive thereon the amount of interest prescribed by the ninth section of said act, or any interest whatever, in consequence of the suspension herein named. Said Banks may receive the notes of the specie-paying Banks of other States upon deposit, in payment of debts or for exchange, but shall take no Bank note of a less denomination than five dollars; and said Banks shall not be allowed, directly or indirectly, to pay out or circulate said notes in this State; and should any of the Banks of this State pay out the notes of the Banks of other States, within this State, their charters shall be thereby forfeited.

§ 3. The forty-third section of the first article of said act is hereby so modified in its operation, until the resumption of specie payments, according to the first section of this act, as to permit all the Banks chartered under the said act, and other chartered corporations that have not forfeited their charters, in this State, during the period aforesaid, to take in payment of debts, or receive on deposit, the notes of the Banks of this State: *Provided*, That no Parent Bank, either during the suspension of specie payment or afterwards, shall receive the notes of their Branches, at a discount, in payment for sight exchange; and after resumption, no Bank or Branch Bank, Savings Institution, Savings Association, Banker, Broker, Exchange Dealer,

or any person or persons, incorporation or association, doing a banking business, shall keep any account of deposits with any person in bankable funds, or in currency, or otherwise than in cash; and all sums deposited with them, or any of them, in current deposit account, shall be subject to be drawn by the depositor in cash. The term cash, as used in this section, means gold and silver coin, or the notes of the specie-paying Banks of this State, as the holder of such check may elect.

§ 4. If any Bank, Branch Bank, Banker, Broker, Exchange Dealer, Savings Institution, or any other incorporation or association, or person or persons doing a banking business, shall violate any of the provisions of the preceding section, they or any of them so offending shall forfeit and pay to the State of Missouri, for each offense, a sum not less than five hundred nor more than five thousand dollars, to be recovered in the name of the State of Missouri, in any court having competent jurisdiction, which shall be paid into the Treasury of the State, and shall moreover forfeit and pay to the party injured by any such offense, the amount of damages which said party may sustain thereby, to be recovered by civil action, in any court of competent jurisdiction; and all acts or parts of acts conflicting with this, or the preceding sections are repealed; and it is hereby made the duty of the Bank Commissioner to institute action, as heretofore provided, in the name of the State, against any Bank, Branch Bank, Savings Institution, Savings Association, Banker, Broker, Exchange Dealer, or any person or persons, incorporation or association, doing a banking business, violating the provisions of said sections.

§ 5. During the period of the suspension of said Banks, the Board of Directors, in order to afford relief to debtors, shall renew and extend the time of payment of debts due them upon the payment by said debtors of ten per cent. of the original amount due by them at each renewal or extension, when said debtors shall fully secure the ultimate payment thereof; and such renewal or extension shall be for the same length of time of the original loan.

§ 6. So much of the 25th section of the first article of said act as requires the payment of the whole amount of the stock subscribed to said Banks to be paid in twelve months from the time of subscribing, is hereby suspended in its operations until the resumption of specie payments.

§ 7. And the Bank Commissioner is hereby required to cause the notes paid out after the passage of this act to be stamped in such manner as he may direct, so as to distinguish them from the notes now outstanding.

§ 8. No person who shall be under protest, in any Bank of this State, shall at any time, while so protested, be eligible to or hold a place of Director in any Bank chartered by this State; and if any Director shall, whilst holding such office, suffer his name to remain under protest for the space of twenty days, that act shall vacate his office, and a successor shall be appointed to fill his place, as now provided by law in cases of vacancy in the Board.

§ 9. So much of section 5 of article 1 of said act as requires the Banks, located in the city of St. Louis, to publish a weekly statement of coin on hand, bills maturing, and the amount of circulation outstanding, be and the same is hereby repealed.

§ 10. Section 28 of article 1 of said act is hereby so amended that no two members of any copartnership shall, at the same time, be Directors in any Bank or Banks in this State; nor shall any Money Broker or private

Banker, or Director in any private or independent Banking Association, or Savings Institution, be elected or serve as Director of any Bank.

§ 11. So much of section 33 of article 1 of said act as restricts said Banks to six and seven per cent. interest is hereby repealed; and said Banks are authorized to receive, by way of discount, any rate of interest not exceeding eight per cent. per annum, said interest to be computed according to the usual rules of banking, and eight per cent. per annum shall also be the rate of discount (including all exchange and re-exchange) on bills of exchange, other than sight exchange. No Bank shall be allowed to issue hereafter more than two dollars in its notes for one dollar of gold and silver paid in on its capital stock; and if any Bank has received from the Bank Commissioner more than that proportion for circulation, such Bank shall, within one year from the date of this act, return such excess of its notes to said Commissioner, registering in a book to be kept for that purpose the number, letter, date, and amount of each note thus returned; a copy of which list shall be furnished to said Commissioner with the notes returned. It shall be the duty of the Bank Commissioner to examine the notes returned, compare them with the list accompanying them, and, after being satisfied that there is no discrepancy therein, he shall give a receipt to the Bank sending said notes for the amount thereof, and then burn said notes, in the manner provided by law for the destruction of mutilated notes, preserving, however, the list sent as aforesaid, and recording the same in a book for that purpose.

§ 12. The one per cent. required to be paid by section 34 of article 1 of said act shall be received as full compensation for all taxes of every kind whatever; and it shall not be lawful for any county, city, or town corporation, to levy or collect any tax, of any kind, upon or from any of the Banks organized under said law.

§ 13. And after the resumption of specie payments, as hereinbefore provided, whenever a demand shall be made at the counter of any Bank, for the redemption of her notes, the same shall be considered as one demand, without regard to the denomination or number of the notes presented; and the same shall be promptly paid in gold and silver coin, without unnecessary delay.

§ 14. No Parent Bank shall send to any of its Branches any other notes to be issued and put into circulation by such Branch, except the notes prepared by the Bank Commissioner for the circulation of such Branch. That in order to provide the means for the redemption of the revenue bonds due 1st June, 1861, and for paying the interest due on the 1st July, 1861, the Governor of this State is hereby authorized and empowered to sell three thousand two hundred and fifty-three shares of the stock owned by the State in the Bank of the State of Missouri, and deposit the proceeds thereof in the State Treasury to the credit of the Fund Commissioners. The President and Directors of each and every Bank incorporated in this State shall, within three months from the date of the passage of this act, pay into the State Treasury, to the credit of the Fund Commissioners, their pro rata share of five hundred thousand dollars, to be apportioned according to the capital stock of said Banks paid in: *Provided*, That for the amount paid by each Bank, as aforesaid, the Governor is hereby authorized to issue revenue bonds payable in three and five years, bearing interest at the rate of nine per cent. per annum, with coupons attached; and for the payment of the principal and interest on said bonds, the revenues of the State are hereby pledged. The bills or notes of the Merchants' Bank, the Mechanics' Bank, the South-

ern Bank, the Union Bank, the Bank of St. Louis, the Exchange Bank, the Farmers' Bank, and the Western Bank, shall be receivable in all payments due to the State, so long as the said Banks shall redeem their liabilities in gold and silver on presentation.

§ 15. Should the affairs of any Bank be at any time placed in the hands of trustees, as contemplated by section 9, they, the said trustees, shall give bond to the State of Missouri, each with good security, to be approved by the Bank Commissioner, in a sum equal to the capital stock of such Bank, conditioned for the faithful performance of their trust.

§ 16. Sections 14, 15, 16, and 17 of article 1 of the general banking law, are hereby repealed.

§ 17. No Director or other officer of any Parent Bank shall be permitted to subscribe for stock, at any Branch of the same Bank, while there remains unsubscribed any portion of the authorized capital stock of such Parent Bank; and if any Director or other officer of a Parent Bank shall hereafter become a stockholder in any of its Branches, the stock so held by him shall not entitle such Director or other officer of any Parent Bank to vote in any election for officers of said Branch Bank. If the Board of Directors of any Bank or Branch Bank shall fail or refuse to order an election for Directors, as provided by the 41st section of article 1 of the Bank act, then it shall be lawful for any ten stockholders of said Bank or Branch Bank to call a meeting of the stockholders, by publication, as provided by said section 41; and the election of Directors, held under said call, shall be as valid as if held under an order of the Board of Directors.

§ 18. The aggregate liabilities, as well as the individual liability, of each of the Directors, or any firm or company of which said Director may be a partner, of any Parent Bank to any of its Branches, either as payers, endorsers, or drawers, shall be included in the quarterly statement required by law to be published, both of the Parent Bank and of the Branch in which such liabilities may exist; and the amount of such liabilities to a Branch or Branches, together with the like liabilities to the Parent Bank, shall never exceed in the aggregate the amount of liability limited to the Directors in such Parent Bank by the tenth section of an act for the relief of the Bank of the State of Missouri, and other Banks, approved November 5th, 1857.

§ 19. That when any person owning stock in any Parent or Branch Bank in this State shall die, or be insane, or be a minor, the executor or administrator of such deceased person, or guardian or curator of the estate of such insane person or minor, shall have power to vote at all elections for Directors of such Banks, and to do and perform all other acts necessary and proper to guard the interests of such deceased or insane persons or minors; and they are hereby vested with power to appoint proxies to act for them in such elections, or in the transaction of any other business, in which their intestate or such insane person or minor would have power, under existing laws, to act during their lives, sanity or majority; and all stockholders shall have like power to appoint proxies to vote for them at such elections; and the votes of such proxies shall be as valid as if said stockholders were present and acted in person.

§ 20. Whenever a vacancy shall occur in the Directory of any Branch Bank, the remaining Directors elected by the stockholders shall fill said vacancy, if the same occurred in such Branch of the Directory; and if said vacancy occur from among those chosen by the Parent Bank, the remaining Directors on the part of said Parent Bank shall fill the same.

§ 21. The Mechanics' Bank is hereby authorized to establish a Branch of said Bank at the town of Carthage, in Jasper county, and for that purpose may cause books for subscription to the capital stock of said Bank to be opened in said town, on or before the 1st day of October next, and said Branch to be organized in the manner now prescribed by law; and also they are authorized to establish a Branch at Shelbyville, in Shelby county, and for that purpose may cause books for subscription to the capital stock of such Branch to be opened at Shelbyville, in the same manner as for the Branch at Carthage.

§ 22. The Farmers' Bank of Lexington is hereby authorized to establish a Branch Bank at Nesho, in Newton county, under the regulations and provisions of the "act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," whenever fifty thousand dollars of stock are subscribed, and twenty-five thousand dollars in gold and silver paid in. If the capital stock of said Farmers' Bank be already fully taken, said Farmers' Bank shall have power to transfer to said Branch any amount of their capital they may desire, to establish said Branch, not exceeding the sum of one hundred thousand dollars.

§ 23. The present stockholders of the Bank of St. Louis, incorporated by act approved March 2, 1857, are hereby incorporated under the name of the Bank of Commerce, to be located and established in the city of Boonville, the capital stock of which shall be one million of dollars, and in accordance with the provisions of the "act to regulate Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857.

§ 24. The present stockholders of said Bank of St. Louis, or a majority in interest of them, shall meet in person or by proxy, at their banking house in the city of St. Louis, on the first Monday in May, 1861, or as soon thereafter as convenient, not exceeding four months from the passage of this act, first giving notice by publication for at least two weeks, in two several newspapers in said city, which notice shall be signed by the President and Cashier of said Bank, or by any two of the stockholders of said Bank; and when assembled, they shall determine whether they will assent to all that portion of this act that relates to the establishment of the Bank of Commerce; and if a majority in interest of those present shall approve and assent to the same, the President and Cashier shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act; after which the present stockholders of said Bank of St. Louis, and all thereafter subscribing to the capital stock of the Bank of Commerce, are fully incorporated as a body politic, under the name and style of the Bank of Commerce; and the first election for Directors in said Bank shall be held in the city of Boonville, at their banking house, on the first Monday next succeeding the assent to this act, as provided in this section; and said corporation shall exist until the last day of December, A. D. 1884.

§ 25. For the purpose of voting on the proposition of approval or rejection of this act, administrators, guardians, executors, curators and trustees shall have the right to vote in person or by proxy the shares of the person or persons whom they represent.

§ 26. The President and Directors of said Bank of Commerce are authorized and required, for the purpose of liquidation, to set apart to the credit of the Bank of St. Louis, an amount equal to the outstanding debts and liabilities of said Bank and Branches, and give notice in some newspa-

per published in the city of St. Louis, for sixty days, of such action of said officers; and if such debts and liabilities be not presented for payment in five years thereafter, they shall be forever barred.

§ 27. The said corporators, their successors and future holders of the capital stock of said banking company, subscribed and to be subscribed, and paid in the manner prescribed in this act, and by the first, second and third articles of the "act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," are hereby vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially and particularly enumerated and set forth.

§ 28. The Bank hereby created shall be required to locate and establish three Branches, to-wit: one at Kirksville, in Adair county; one at Versailles, in Morgan county, and the third at the city of St. Louis; and each of the said Branches shall have a capital of not less than one hundred thousand dollars; and any stockholder in the present Parent Bank of St. Louis shall be allowed to have his stock converted, at par, into stock of the Branch of said Bank of Commerce, located at St. Louis, to the extent of the capital of said Branch.

§ 29. The President and Directors of the Branch Banks shall be chosen in the manner required by the general law.

§ 30. To furnish change, the said Banks, until the full resumption of specie payments, as herein provided, shall promptly redeem their notes in coin, when not presented in a greater amount than five dollars, on any one day, by the same individual.

§ 31. All notes intended for circulation at, and furnished to, any Branch of a Parent Bank, shall be made payable at such Branch, and when countersigned and registered, may be delivered to the principal Bank, and receipt taken from such Bank as herein provided; and said principal Bank shall immediately transmit to the Branch entitled thereto, all such notes so furnished for the circulation of such Branch; but no such notes shall be delivered by the Commissioner, as herein contemplated, until the Commissioner shall be fully satisfied that the gold and silver, entitling it to such circulation, has been paid in, either at the Parent Bank or Branch, and the aggregate of both deposits of coin shall be taken as the basis of redemption of such circulation, as required in this act; and all notes, except those to be furnished to Branch Banks as aforesaid, shall be payable at the Parent Bank. All circulation furnished Branch Banks shall hereafter be put in circulation by the Branch Banks, paying the same out at said Branch Banks in the regular business transactions of said Branches; and it shall be deemed to be a violation of the charter of any Bank for the Parent Bank to pay out, or otherwise use, any of the circulation furnished for a Branch, until after the same has been paid out by the Branch as above provided.

§ 32. The stockholders of any one of said Banks, or a majority thereof in interest, shall meet in person or by proxy, at the banking house of the Parent Bank, wherever situate, within one hundred days from the passage of this act, first giving notice by publication for at least two weeks in one newspaper published in any county in which the Parent or any Branch Bank is situate, which notice shall be signed by the President and Cashier of the Parent Bank, or by any two stockholders of said Bank; and when assembled, said stockholders shall determine whether they will assent to this act; and if a majority in interest of those present shall approve and assent to this act, the President of the Parent Bank shall, under the corporate seal of the Bank,

certify such approval to the Secretary of State, who, after noting on the certificate the date of the filing, shall file the same with the original roll of this act, and thereupon this act shall take effect and be in force as a part of the charter of the Bank so accepting it; and if such Bank shall violate the provisions of this act, or not carry them into effect according to their true intent and meaning, the charter of said Bank shall be annulled and forfeited, and the Bank, its affairs and business, administered and wound up in like manner and to the like extent and effect, in all respects, as provided by the present charter of said Bank.

§ 33. After the 1st day of January, 1862, no Savings Institution, Savings Association, Banker, Broker, Exchange Dealer, or other person or persons, incorporations or institutions, doing a banking business in this State, shall be allowed to pay out, or put in circulation, either directly or indirectly, any bank note other than the notes issued by the Banks of this State; and should any such Savings Institution, Savings Association, Banker, Broker, Exchange Dealer, incorporation or institution, violate the provisions of this section, they shall forfeit and pay to the State of Missouri a sum not less than one thousand, nor more than five thousand dollars, to be recovered by action in any court having competent jurisdiction; and it is hereby made the duty of the Bank Commissioner, upon information, to prosecute said institutions, associations, incorporations, or persons, and to pay one half of all such sums as he may recover to the informant, and the remainder into the State Treasury. And section ten of "an act respecting Savings Institutions and other Corporations doing a Banking business," approved February 28, 1859, is hereby repealed.

This act to take effect and be in force from and after its passage.

Approved March 18, 1861.

AN ACT reducing the Capital of the Southern Bank of St. Louis, and for other purposes.

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| § 1. Limitation of capital stock of Southern Bank. | § 3. The provision of law requiring the establishing a Branch of Southern Bank at Gallatin, repealed. |
| 2. As to capital stock of Branches of said Bank; subscriptions heretofore made legalized. | 4. Capital stock of Farmers' Bank increased; nothing herein to exempt said Banks from forfeiture of charters. |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Southern Bank of St. Louis is hereby reduced, and limited to the aggregate amount of stock now taken and subscribed; and said Bank is authorized and directed to close the books against further subscription of stock in the Parent Bank of St. Louis.

§ 2. The capital stock of the Branches of said Bank is hereby fixed permanently as follows, to-wit: The capital stock of the Branch located at Independence, at two hundred thousand dollars; the capital stock of the Branch located at St. Charles, at one hundred thousand dollars; and the capital stock of the Branch located at Savannah, at one hundred thousand

dollars; and all subscriptions heretofore made of stock in said Southern Bank of St. Louis and its said Branches, are hereby legalized and made valid and effectual.

§ 3. So much of an act entitled "an act to amend the charter of the Southern Bank of St. Louis," approved February 23, 1859, as authorizes and requires said Bank to establish a Branch Bank at Gallatin, in Daviess county, in this State, is hereby repealed.

§ 4. The capital stock of the Farmers' Bank is hereby increased one hundred thousand dollars. Nothing in this act shall be so construed as to exempt said Banks from any forfeiture of their charters.

This act to take effect and be in force from and after its passage.

Approved March 8, 1861.

AN ACT concerning the Union Bank of Missouri.

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| <p>§ 1. Capital stock of Richmond Branch Bank to be increased.</p> <p>2. Bank allowed to keep books for subscription open for three years.</p> | <p>§ 3. Acts inconsistent with this repealed, as regards this Bank.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of the Union Bank of Missouri shall have power to increase the capital stock of the Richmond Branch from the capital stock of the Parent Bank one hundred thousand dollars.

§ 2. Said Bank shall be allowed to keep open its books for subscription to the capital stock thereof for three years from the date it commenced business.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby declared inoperative as to said Bank.

This act to take effect and be in force from and after its passage.

Approved March 28, 1861.

BOATS AND VESSELS.

AN ACT to amend an act entitled "an act concerning Boats and Vessels," approved November 29, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The forty-second section of the act above referred to, which requires suits in St. Louis county to be brought within six months after the accruing of the demand against boats and vessels, is hereby so amended as to extend the time to twelve months for commencing suits under the provisions of said act by persons who may hereafter furnish any engine, boiler, machine, ap-

paratus or fixture, which may appertain to any machinery required to construct, finish, repair or equip any boat or vessel in this State.

This act to take effect and be in force from and after its passage.

Approved February 11, 1861.

CAPITOL GROUNDS.

AN ACT to provide for the Completion of the Capitol Grounds.

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| <p>§ 1. Appropriation to improve Capitol Grounds.</p> <p>2. How appropriation to be applied; and under whose control and direction.</p> | <p>§ 3. No more than eight thousand dollars to be drawn under this act.</p> <p>4. One hundred convicts to be employed on said improvement.</p> <p>5. Commissioner to employ Engineer.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sum of eight thousand dollars be and the same is hereby appropriated for the completion of the improvement of the Capitol Grounds, according to the plans and specifications furnished to the committee on the Seat of Government by the Engineer thereof.

§ 2. Said sum shall be applied to the completion of said work, and for discharging the expenses already incurred and remaining unpaid, and the Commissioner of Public Buildings, the Attorney General, and State Treasurer, shall constitute a committee to supervise and control the same, and upon the presentation of any account for work or labor done upon said ground, the correctness of which being vouched for by said committee, the Auditor of Public Accounts is hereby directed to issue a warrant upon the Treasurer in favor of the party entitled thereto, from time to time, during the progress of such improvement.

§ 3. There shall not be more than eight thousand dollars drawn from the Treasury under the provisions of this act, under any pretense whatever.

§ 4. In addition to the sum of eight thousand dollars, and for the early completion of the Capitol Grounds, there is hereby authorized to be employed one hundred convicts from the Penitentiary, to be worked upon said improvement under the government and discipline of the Penitentiary, but under the directions and supervision of the Commissioner and Engineer appointed for that purpose.

§ 5. The Commissioner shall employ an Engineer at a sum not to exceed three dollars per day, when actually engaged on the work, Sundays of course excepted.

This act to take effect from and after its passage.

Approved March 26, 1861.

RELIEF.

AN ACT for the relief of the City of St. Louis.

- § 1. City Treasury warrants may be issued to an amount not exceeding two hundred thousand dollars to pay current debts for work done.
2. Warrants to be in sums of one, two and three dollars, and receivable for taxes and licenses.
3. Commissioners appointed to provide and issue said warrants, which shall be signed by one of their number, designated for that purpose; warrants to be issued to Treasurer in payment only of audited accounts.
4. Commissioners to keep correct list of warrants issued, to charge Treasurer therewith, to register applications upon which the same were issued, and report to every regular meeting of City Council.
5. Commissioners may appoint a Clerk; compensation to be paid by city.
6. Warrants when redeemed to be returned to Commissioners, who shall destroy the same.
7. Banks, Bankers, Savings Institutions, &c., may receive and pay out said warrants.
8. After the second Monday of October, 1861, the City Council, after passing a general appropriation bill, shall not pass any ordinance appropriating money not actually in the Treasury unappropriated; members voting for Mayor approving ordinance violating this section, to be liable in personal estate to the city.
- § 9. No money appropriated to one purpose to be diverted to another, except by special ordinance changing such appropriation; any officer making such diversion liable in his personal estate for amount so diverted.
10. Accounts showing an expended balance to the credit of any special fund to be canceled by Comptroller.
11. No contract to be made for the expenditure of any greater sum than the appropriation made.
12. No ordinance to be passed for improvements in new city limits requiring a greater sum of money than actually in the Treasury to credit of new limit fund.
13. Twenty-fifth section of act approved March 14, relative to incorporation, amended by striking out "two-thirds" and inserting "majority."
14. City not liable to any delinquent taxpayer for destruction of property by mob.
15. Council not to improve any street or alley, without consent of majority of property owners therein, or unless the same be declared a nuisance; this section not to apply where two or more blocks are owned by one person.

WHEREAS, The city of St. Louis is owing a large sum of money to contractors for city works, and also for other purposes, which, on account of the pecuniary pressure of the times, it is unable to pay at this moment: Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The charter of the said city is hereby amended so as to authorize the issue, in the manner and under the restrictions hereinafter contained, of an amount not exceeding two hundred thousand dollars of City Treasury warrants, to pay the current debts of the city to contractors and others who have accounts allowed against it, said warrants to be in such form as may be determined by the Commissioners hereinafter named.

§ 2. The said warrants shall be in denominations of one, two and three dollars, and shall be receivable for taxes and license payable to said city.

§ 3. James H. Lucas, Louis C. Garrier and D. H. Armstrong are hereby appointed Commissioners to provide and also to issue the said warrants, and which warrants shall be signed by one of them to be designated by themselves for that purpose, and the same shall only be issued by them to the Treasurer for the payment of such amounts as shall be duly audited and

certified by the proper officers of said city, and on the written affirmation of the Mayor and Comptroller thereof.

§ 4. The said Commissioners shall keep a correct list of all amounts issued by them to the Treasurer, and charge the same to him, and shall keep a register of all applications made to them by the said Mayor and Comptroller for the issue of the same; and it shall further be their duty to report at every regular session of the city council the amount so issued and the applications upon which they were issued from the Mayor and Comptroller as aforesaid.

§ 5. The said Commissioners are hereby authorized to appoint a Clerk, whose duty it shall be to keep a regular and perfect account of the issues provided as aforesaid, and to whom the said Commissioners shall allow a reasonable compensation, to be paid by the city.

§ 6. At stated periods, to be determined by the Commissioners, the said Treasurer shall pay over to the Commissioners all the city warrants so issued which may be in his possession, and take their receipt for the same; and the Commissioners shall at once, in the presence of the Mayor and Comptroller, proceed to destroy the same, first having taken a complete account of such warrants.

§ 7. The banks, savings institutions, associations and bankers, of this State, may, if they deem proper, receive and pay out all such city warrants without being subject to the penalties of any law of this State in regard to the circulation of notes under five dollars.

§ 8. From and after the second Monday of October, 1861, the common council of said city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money, unless the amount thereby appropriated be actually in the Treasury of the city and not required to meet appropriations already existing. Any number of said common council voting for any Mayor approving any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the Treasury of said city in pursuance of any such ordinance.

§ 9. No sum of money appropriated by ordinance to any particular fund or ordinance shall, except in pursuance of change in the appropriation thereof by ordinance, be diverted from such fund, or object, or used for any other purpose; and any officer of said city making or authorizing any such diversion or use without such change of appropriation by ordinance, shall be liable in his personal estate for any amount so diverted or used for any purpose or object other than that for which the same was especially appropriated.

§ 10. The Comptroller of said city shall cause to be cancelled all special accounts on the bonds of the Auditor of said city, showing an expended balance to the credit of any special fund, when he shall be satisfied that such apparent balance has been authorized — used in the payment of indebtedness of said city.

§ 11. No officer of said city authorized to make contracts on behalf of said city, for work or materials, shall make any contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or material.

§ 12. The common council of said city shall not pass any ordinance for the improvement of streets in the new limits of said city, or for other improvements in said new limits, to be paid for out of the new limit fund,

where the amount required for such improvement exceeds the amount actually in the Treasury of said city to the credit of said fund.

§ 13. The twenty-fifth section of the act amendatory of and supplementary to the several acts incorporating the city of St. Louis, approved March 14, 1859, is hereby amended by striking out therefrom the words "two-thirds," and inserting in lieu thereof "a majority."

§ 14. The said city shall not be liable to any action for the destruction of any property by a mob in favor of any person who, at the time of such destruction, is delinquent in payment of any taxes due the said city.

§ 15. The common council of the city of St. Louis shall have no power to pave, macadamize, curb, or gutter any street or alley at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, or unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: *Provided*, That the provisions of this section shall not apply to any street or alley where two or more blocks are owned by one person or one estate, but the provisions of the law now in force shall apply in all such cases.

This act to take effect from and after its passage.

Approved May 13, 1861.

AN ACT for the relief of the Sheriff of St. Louis county, and for other purposes.

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| <p>§ 1. County of St. Louis exempted from operation of act approved February 6, 1861, amending law of 1855, regulating executions.</p> <p>2. Sales and publications made by Sheriff in accordance with laws existing prior to act of February 6, 1861, to be valid.</p> | <p>§ 3. Purchases of property under Sheriff's sale, and collections under execution prior to act of February 6, 1861, declared legal.</p> <p>4. Sheriff to advertise sales made under execution twenty days, and may put up handbills.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county of St. Louis be and the same is hereby excepted from the operation of "an act to amend an act entitled an act to regulate executions," approved December 1, 1855, which act so amending the law was approved February 6, 1861.

§ 2. That all publications made by the Sheriff of St. Louis county, in accordance with the law as it existed previously to said 6th February, 1861, and all sales made by said Sheriff of St. Louis county according to the statute so changed and amended by the act of 6th February, 1861, are hereby declared legal and valid, any law to the contrary notwithstanding.

§ 3. That all purchases of property made bona fide under Sheriff's sale, in St. Louis county, and all moneys collected and paid over under execution according to the law as existing previously to said act of the 6th February, 1861, are declared valid and legal to all intents and purposes.

§ 4. That said Sheriff of St. Louis county shall advertise all sales made by him under execution or other lawful process from the courts of said county, for twenty consecutive days previously to the day of such sale and publication; said Sheriff may also in addition put up handbills.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT for the relief of Robert Shacklett, Collector of Marion county.

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| <p>§ 1. Auditor to receive additional personal delinquent list for 1858 and 1859, and give proper credit.</p> <p>2. Auditor to draw warrant for one hundred dollars in favor of Robert Shacklett, for reward paid by him for capture of escaped prisoner.</p> | <p>§ 3. Robert Shacklett to receive credit for costs paid by him in suit for recovery of taxes illegally collected.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be and he is hereby authorized and required to receive the additional personal delinquent list for the year 1858 and 1859, of Robert Shacklett, Collector of Marion county, and place the proper amounts to his credit on the books of his office.

§ 2. That the Auditor of Public Accounts be authorized and required to allow to said Robert Shacklett a credit of one hundred dollars, being the amount paid by him for a reward offered for the escape of one Michael Cassidy from the jail of Marion county, and who was arrested and is now confined in said jail, under an indictment for burglary and larceny.

§ 3. That the Auditor of Public Accounts be authorized and required to credit the account of the said Robert Shacklett with the amount of cost paid by him in a suit recently decided in the Supreme Court, in a case wherein the Hannibal and St. Joseph Railroad Company was plaintiff, and the said Robert Shacklett was defendant, to require said Shacklett to refund taxes collected from said company, which said suit has been decided in favor of said Hannibal and St. Joseph Railroad Company.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT for the relief of the Collector of Jackson county.

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| <p>§ 1. Auditor to settle accounts of late Collector for taxes of 1860 with present Collector.</p> <p>2. Collector to have until 1st September, 1861, to return delinquent list.</p> | <p>§ 3. This act not to take effect until securities of late Collector give consent in writing.</p> |
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contingent expenses of the General Assembly, two thousand dollars; pay of General Assembly, thirty-six thousand dollars; to pay for frames of pictures of Jackson and Clay, four hundred dollars.

This act to take effect from and after its passage.

Approved May 11, 1861.

AN ACT to authorize the Banks of the State of Missouri to issue small notes and for other purposes.

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| <p>§ 1. Banks may issue one, two and three dollar notes to the amount of one million five hundred thousand dollars in lieu of same amount of larger notes; Bank Commissioner to determine relative proportion of each Bank.</p> <p>2. When proportion of each Bank is determined, Bank Commissioner to notify President and Directors; Banks to accept provisions of this act in thirty days from said notice, and upon failure of any Bank to accept, the proportion of such Bank to be divided out to other Banks.</p> <p>3. The small notes authorized by this act may be issued in addition to the two dollars for one of paid up capital now authorized.</p> | <p>§ 4. Banks to retire one, two and three dollar notes in one year after resuming specie payments; after such resumption no small notes to be paid out, but when taken in to be delivered to Bank Commissioner and burned; other circulation to be furnished in lieu of retired small notes.</p> <p>5. Banks accepting provisions of this act not required to resume specie payment until January, 1863.</p> <p>6. Notes under five dollars to be signed by President and Cashier, but not by Bank Commissioner; affidavit of amount issued to be made by each Bank.</p> <p>7. All persons, corporations, Banks and bankers, may receive and pay out notes issued under this act; Banks not having accepted provisions of act approved March 18, 1861, shall not accept provisions of this act.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Banks in the State be and they are hereby authorized to issue their notes of the denominations of one, two and three dollars, to the amount of one million five hundred thousand dollars, in lieu of their notes of larger denominations, amounting to a like sum, which they are at present authorized by law to issue; the amount of such notes to be issued by each Bank to be determined by the Bank Commissioner in proportion to the amount of its capital stock paid in.

§ 2. The Bank Commissioner shall proceed at once to ascertain the proportion of the notes of the denominations mentioned in the preceding section each Bank will be entitled to issue under the provisions of this act, and to notify the President and Directors thereof without delay of the amount so ascertained; and if any Bank shall fail for thirty days after service of such notice to accept of the provisions of this act in writing, signed by the President and Cashier and filed with the Bank Commissioner, the Bank Commissioner shall appropriate the amount which such Bank would have been entitled to issue among such Banks as shall accept the provisions of this act as herein prescribed.

§ 3. The small notes of the denominations of one, two and three dollars,

authorized by this act, may be issued in addition to the two dollars for one upon the capital stock paid in as authorized by the act for the relief of the Banks, approved March 18, 1861.

§ 4. Each Bank issuing notes of the denominations of one, two and three dollars, shall within one year after such Bank shall have resumed specie payment, retire said notes from circulation; and no such Bank shall, after having resumed specie payment, issue or pay out any of its own notes of either of said denominations, but shall deliver the same, when taken up by it, to the Bank Commissioner, who shall deliver to the Bank for circulation in lieu thereof a like amount in notes of such denomination as the Bank may require, not less than five dollars; and the notes so delivered to the Bank Commissioner shall be by him immediately burned to ashes, in the presence of any agent thereto appointed by the Bank.

§ 5. Any Bank which may issue notes of the denominations of one, two and three dollars, under the provisions of this act, shall not be required to resume specie payment as required by the act for the relief of the Banks, approved March 18, 1861, until the first day of January, 1863.

§ 6. That all notes authorized to be issued by the Banks of the State of Missouri, by the provisions of this act, of a denomination under five dollars, shall be signed by the President and Cashier of the Bank authorized to issue the same, and may be issued and put in circulation by said Bank without the signature of the Bank Commissioner or his assistant, but each Bank shall report under the affidavit of the Cashier the amount so issued.

§ 7. That all persons, corporations, Banks and bankers shall be authorized to receive and pay out the notes herein provided for, and that no Bank shall be authorized to accept the provisions of this act unless such Bank has previously accepted the act for the relief of the Banks, approved March 18, 1861.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT to authorize counties to loan money to the State.

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| <p>1. County Courts authorized to loan money to the State, not exceeding thirty thousand dollars each, for the purchase of arms and munitions of war; such arms to be distributed among volunteers in the counties loaning money; volunteers to be first mustered into service of State.</p> <p>2. County Courts may borrow money to loan to the State; interest not to exceed ten per cent; bonds to be issued signed by President and attested by seal of the Court.</p> | <p>§ 3. The several County Courts and St. Louis Board of County Commissioners authorized to purchase State bonds issued under the "act to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri."</p> |
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not passed

July 31, 1861

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Journal of
the
Missouri
State
Convention
Held at the
City of Jefferson
July 1861

The question being on agreeing to the address, the same was adopted by the Convention.

Mr. BIRCH presented the following:

Resolved, That fifty thousand copies of the address just read, together with the ordinances adopted by this Convention, be printed and distributed by George Knapp & Co., in equal portions, to the address of the members of this body,—the expense thereof to be audited and paid for at the same rates and charges that the proceedings and debates of the previous session of this Convention were.

On motion of Mr. GALT the said resolution was passed over informally.

Mr. HIRSCOCK presented the following:

Resolved, That a special Committee of Three be appointed whose duty it shall be to sit during the recess of the Convention and to enquire and report at its next session what number, description and quantity of certificates or receipts under the name of "State Scrip," or otherwise, have been issued or granted by any officer or officers of the State Government since the 1st day of January last, and to what person or persons, and for what purposes, and that said Committee have power to send for persons and papers for the purpose of such inquiry; which was on motion of Mr. McFEEHAN rejected.

Mr. BIRCH submitted the following as the programme for the inauguration of the provisional Governor appointed this morning:

"When he is introduced to the President, that officer will invite him to a position at his right and introduce him to the Convention, who will quietly rise in a body, bow their recognition and again resume their seats. The Governor (meanwhile standing also) will then deliver such remarks or address as he may deem proper, concluding by signifying his readiness to take the oath of office, which will be administered by the Clerk of the Supreme Court, and thereupon the Governor will withdraw; the members of the Convention again simultaneously rising as he leaves the Hall.

It shall then be announced that the oath will be administered to the Hon. Wil-

lard P. Hall, as Lieutenant Governor, and to the Hon. Mordecai Oliver, as Secretary of State, if they be present; or that, otherwise, it shall be the duty of the Secretary of the Convention to notify them of their election; and the ceremonies thus indicated shall be closed by the Chaplain. Which said programme was adopted by the Convention.

The Committee appointed to wait on the Hon. Hamilton R. Gamble, provisional Governor elect, having returned, and presented him to the Convention, in accordance with the programme adopted, and having signified his readiness to take the oath of office, it was administered to him by William E. Dunscomb, Esq., Clerk of the Supreme Court of the State of Missouri.

The Hon. Willard P. Hall, Lieutenant Governor elect, and the Hon. Mordecai Oliver, Secretary of State elect, then came forward and took the oath required of them by the Constitution.

The resolution introduced by Mr. BIRCH in regard to the printing of the address and ordinances, which was informally passed over, was taken up. Mr. GALT moved to amend, by inserting after "printed" the words "under the direction of the Committee, heretofore appointed, on the most economical terms, and by them;" and by striking out the words "George Knapp & Co.," and by adding to the resolution the following: "And that the address itself be spread upon the Journal," which amendments were agreed to.

The resolution as amended was then adopted by the Convention.

Mr. DUNN from the Committee to whom was referred the subject of printing the ordinances presented the following:

"The Committee, to which has been referred the resolution upon the subject of printing the ordinances adopted by this Convention, respectfully submit to the Convention the following report:

In conformity with the spirit of the thirteenth article of the Constitution of the State, the Committee recommend the adoption of the following resolutions:

Missouri? be and the same is hereby repealed."

On motion, the ordinance and amendment were recommitted to the committee.

Messrs. Vanbuskirk and Holmes were added to the Committee on Accounts.

On motion of Mr. STEWART, the Convention adjourned until 3 o'clock P. M.

EVENING SESSION.

The hour of meeting of the Convention having arrived, and the President and Vice President being absent, the Convention was called to order by the Lieutenant Governor of the State, Mr. Hall of B.

Mr. McFERRAN, from the Committee on Civil Officers, made the following report, and on his motion laid on the table, and 200 copies ordered to be printed.

"The Committee on Civil Officers beg leave to report the following ordinance for the action of the Convention, and recommend the passage thereof.

McFERRAN, Chairman."

AN ORDINANCE PROVIDING FOR ABOLISHING CERTAIN OFFICES, REDUCING SALARIES, AND TESTING THE LOYALTY OF CIVIL OFFICERS IN THIS STATE.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

First. That the Board of Public Works be and is hereby abolished, and the offices and pay of the members of said Board shall cease and determine from and after the passage of this ordinance.

Second. That the office of State Superintendent of Common Schools be and is hereby abolished, and the pay of said officer shall cease and determine from and after the passage of this ordinance, and the duties pertaining to said office shall be discharged by the Secretary of State.

Third. The offices of County School Commissioner be and is hereby abolished in all the counties of this State, and the pay of said officers shall cease and determine from and after the passage of this ordinance; and the Clerks of the respective County Courts shall discharge all the duties of

Common School Commissioner in their respective counties except visiting and lecturing in the schools.

Fourth. That the offices of State Geologist and Assistant State Geologist be and are hereby abolished, and the pay of said officers shall cease and determine from and after the passage of this ordinance.

Fifth. That the salaries of all civil officers in this State be and are hereby reduced 20 per cent. during the year ending 30th September, 1862; and said per centage shall be deducted from the amount of said salaries, and withheld from said officers from and after the passage of this ordinance, until the said thirtieth day of September, A. D. 1862.

Sixth. That each civil officer in this State shall, within forty days after the passage of this ordinance, take and subscribe an oath to support the Constitution of the United States and this State; that he will not take up arms against the Government of the United States, nor the Provisional Government of this State, nor give aid or comfort to the enemies of either during the present civil war; that said oath, duly subscribed and sworn to, shall, within the forty days aforesaid, be filed by county officers in the Clerk's office of their respective counties; and all other officers shall, within the time aforesaid, file said oath, sworn to and subscribed as aforesaid, in the office of the Secretary of State. And the offices of all persons failing to file said oath, as herein provided, are hereby declared vacant; and the Secretary of State and respective County Clerks shall, immediately after the expiration of the forty days aforesaid, certify, under the seal of their respective offices, any vacancy that may exist under the operations of this ordinance, to the proper authorities under existing laws, and such authorities shall fill said offices by appointment for the residue of the term. And any civil officer who shall falsely take said oath, or wilfully violate the same, shall be deemed and adjudged guilty of perjury, and punished accordingly.

On motion of Mr. GANTT, the Convention adjourned until to-morrow morning, at 9 o'clock.

Journal of the 16th State Convention

FIFTH DAY.

TUESDAY MORNING, Oct. 15, 1861.

The Convention met pursuant to adjournment.

The Journal of the proceedings of yesterday was read and approved.

Mr. WELCH moved that the Committee on Accounts be instructed to audit and allow the mileage prescribed by law to members of the Convention from their respective places of residence to the city of St. Louis, by the route designated by law, the Convention having been called by the Governor to meet in said city.

Mr. McCORMACK offered the following resolution, which was read and referred to the Committee on Ways and Means:

Resolved, That the Governor be authorized to issue State revenue notes, to the amount of two million dollars, which said notes shall be accepted at par by all State officers, and in all transactions by the State. They shall be of the denominations of \$100, \$50, \$25, and \$10, and shall not bear interest, but they shall be received at any time the same as gold for all revenues of the State; and those notes which do not thus come back to the State in payment of taxes or for other revenues, shall, after three years from the date of their issue, be redeemed in gold on demand, on presentation of the same to the State Treasurer, or such agents as the Governor may appoint for this purpose. Any and every such revenue note coming back to the Government of the State in the shape of some revenue, shall be cancelled in some manner, and not be issued a second time.

Mr. HENDRICKS, from the Committee on Elections, to whom was recommitted the report of said committee, together with the amendment offered by Mr. McFerran, reported the same back as originally amended by the Convention, and recommended

its adoption and the rejection of the amendment.

Mr. TURNER, from the same Committee, made a minority report in favor of the adoption of the report as amended by Mr. McFerran.

On motion of Mr. WELCH, the Convention proceeded to the consideration of the majority and minority reports of the Committee on Elections.

Mr. HALL of B. called for the previous question. The question being, "Shall the main question be now put?" was decided in the affirmative.

The amendment of Mr. McFERRAN was disagreed to, and the majority report agreed to, and the ordinance adopted by the following vote, the yeas and nays being called, for by Mr. Sayre:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Douglass, Eitzen, Gantt, Gravely, Hall of B., Henderson, Hendricks, Hitchcock, Holmes, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McCormack, McDowell, McFerran, Meyer, Noell, Orr, Phillips, Pipkin, Pomeroy, Rowland, Shackelford of St. L., Smith of L., Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman, and Mr. President—49.

NOES—Mr. Sayre—1.

Excused from voting—Mr. Hall of B.

Mr. BRECKINRIDGE presented a petition from the Presidents of the Railroads of this State, praying for the repeal of an act passed by the last General Assembly, entitled "An Act in relation to the transportation of freight and passengers on the several railroads in this State?" which was referred to the Committee of Ways and Means.

Mr. TINDALL, from the Committee on the Militia, made a report, which was laid on

the table, 200 copies ordered to be printed, and made the special order for to-morrow at 10 o'clock.

On motion of Mr. HALL of R., the Convention adjourned until 3 o'clock p. m.

EVENING SESSION.

The Convention met pursuant to adjournment.

Mr. WRIGHT asked and obtained leave to record his vote in the negative upon the adoption of the "ordinance providing a change of the time of holding certain elections."

The Convention proceeded to the consideration of the report of the Committee on Civil Officers, when—

Mr. McFERRAN offered the following amendment to the "ordinance providing for abolishing certain offices, reducing the salaries, and testing the loyalty of civil officers in this State:"

Amend by adding a new section as follows:

"Seventh. The respective county court clerks in this State shall take and subscribe the oath provided in this ordinance, and file the same in the office of the Secretary of State within the forty days aforesaid; and if any county court clerk shall fail to file said oath, duly subscribed and sworn to as aforesaid, his office is hereby declared vacant, and such vacancy shall be filled by the authorities under existing laws; and in such case, the other county officers of such county shall comply with the requirements of this ordinance within twenty days after said vacancy shall be filled under the provisions of this ordinance."

Mr. BROADHEAD offered the following amendment to the amendment:

Strike out the sixth section of the ordinance, and insert:

Sixth. That the offices of the Judges of the Supreme Court, Judges of the Circuit Courts, Probate Judges, sheriffs and clerks, and the clerks of the several courts of record of this State, and Recorders of Deeds,

Register of Lands, Auditor of Public Accounts, State Treasurer, and Attorney General, be and the same are hereby declared vacant; and the Governor of the State is hereby authorized to fill the vacancies so created in the offices of the Judges of the Supreme Court, Judges of the Circuit and Probate Courts, Register of Lands, Auditor of Public Accounts, State Treasurer, and Attorney General, by appointment of suitable persons to such offices.

Seventh. The Judges of the Supreme Court thus appointed shall have power to appoint a clerk for said court, and the Judges of the Circuit Courts shall have power to appoint clerks for their respective courts, recorders of deeds, and sheriffs of the counties within their respective circuits.

Eighth. The officers to be appointed by the provisions of this ordinance shall hold their respective offices until the expiration of the period for which the present incumbents of said offices have been elected, and until their successors are elected and qualified.

Ninth. The present incumbents of all other civil offices in the State, except the Governor, Lieutenant Governor and Secretary of State, shall within sixty days from the passage of this ordinance take and subscribe, and file in the office of the clerk of the courts of the respective counties in which said incumbents reside, an affidavit to support the Constitution of the United States and of this State; that he will not take up arms against the Government of the United States, nor the provisional government of this State, nor give aid or comfort to the enemies of either, and that he will maintain and support the provisional government established by the State Convention of Missouri. And the offices of all persons failing to file said oath as herein provided, are hereby declared vacant; and upon the certificate of the clerks of the circuit courts of the respective counties where such offices may exist, to the effect that persons have failed to file such affidavits, the Governor of the State shall proceed to fill such vacancies by appointment.

Mr. WRIGHT moved to lay the amendments and ordinance on the table, and to print 200 copies of the amendment for the use of the Convention, and to make it the special order for to-morrow morning at 10 o'clock; which motion was decided in the negative by the following vote—the ayes and noes called for by Mr. Wright:

AYES—Messrs. Douglass, Howell, Jamison, Pipkin, Welch, Wright and Vanbuskirk—7.

NOES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Eitzen, Gantt, Gravelly, Hall of B., Hall of R., Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Johnson, Leeper, Linton, Long, Marvin, Maupin, McCormack, McDowell, McFerran, Meyer, Neell, Orr, Phillips, Pipkin, Pomeroy, Rowland, Smith of St. Louis, Smith of L., Stewart, Tindall, Turner, Woolfolk, Zimmerman, and Mr. President—44.

The amendment offered by Mr. Broadhead was then disagreed to by the following vote—the ayes and noes called for by Mr. Pipkin:

AYES—Messrs. Broadhead, Gantt, Henderson, How, Isbell, Johnson, Leeper, Maupin, Meyer, and Turner—10.

NOES—Messrs. Allen, Birch, Bogy, Breckinridge, Bridge, Bush, Douglass, Eitzen, Gravelly, Hall of B., Hall of R., Hendricks, Hitchcock, Holmes, Howell, Irwin, Jackson, Jamison, Linton, Long, Marvin, McCormack, McDowell, McFerran, Neell, Orr, Phillips, Pipkin, Pomeroy, Rowland, Smith of L., Smith of St. L., Stewart, Tindall, Welch, Woolfolk, Wright, Vanbuskirk, Zimmerman, and Mr. President—40.

The amendment of Mr. McFerran was then agreed to by the following vote—the ayes and noes called for by Mr. Welch:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Douglass, Gantt, Gravelly, Hall of B., Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Jackson, Jamison, Johnson, Linton, Long, Marvin, McCormack, McDowell, McFerran, Orr, Phillips, Smith of L., Smith of St. L., Stewart, Tindall, Woolfolk, Wright, and Zimmerman—36.

NOES—Messrs. Hall of R., Howell, Isbell, Leeper, Maupin, Meyer, Neell, Pipkin, Pomeroy, Rowland, Turner, Welch, Vanbuskirk, and Mr. President—14.

On motion of Mr. BOOR, the Convention adjourned until to-morrow morning at ten o'clock.

SIXTH DAY.

WEDNESDAY MORNING, October 16, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by the Rev. Mr. PORTER.

The Journal of the proceedings of yesterday was read and approved.

Mr. WELCH offered the following resolutions:

Be it Resolved by the Convention of the State of Missouri, as follows:

First. That the certificates of pay of the members and officers of this Convention, signed by the President and attested by the Secretary of said Convention, shall be received by the various collectors of this State in payment of all taxes and dues,

due or to become due to the State, and the Auditor and Treasurer of the State shall pass upon and allow the amount so paid by said collectors on said certificates as so much money paid by said collectors.

Second. That nothing in the foregoing resolution shall be construed to prevent said certificates from being presented directly to the Auditor and Treasurer of State for allowance and payment, but said certificates shall be audited and paid by said officers upon presentation, out of any money in the treasury not otherwise appropriated.

Third. Said certificates shall be assignable by the endorsement of the name of the

Mr. Birch said he had been instructed by the Committee on Ways and Means to offer the following as an amendment to the bill:

AN ORDINANCE TO PROVIDE FOR THE DEFENSE OF THE STATE.

Be it *Ordained by the People of the State of Missouri, by their Delegates in Convention assembled, as follows:*

That in order to facilitate the prompt and regular acknowledgment of such indebtedness as may accrue under the provisions of the ordinance "to provide for the organization and government of the Missouri State Militia," in cases where no money may be at the time available for the payment thereof, the Auditor of Public Accounts shall cause to be prepared, warrants in the form hereafter prescribed, with such devices as he may think proper—such warrants to be of the denominations of five, ten, twenty, fifty, one hundred, and one thousand dollars, making the amount in dollars of each denomination equal, and the whole amount not to exceed one million of dollars—which warrants shall be signed by the Auditor, and countersigned by the Secretary of State, and shall be registered in the offices of the Auditor and Secretary of State. The following shall be the form of said warrants before being filled up:

THE STATE OF MISSOURI promises to pay to or to his assignee, _____ dollars, and this warrant shall be receivable in taxes due the State, and the Bank Stock owned by the State is pledged for its redemption if it shall not be paid in for taxes before the thirty-first day of December, eighteen hundred and sixty-two.
(COUNTERSIGNED), _____ Auditor.
_____, Secretary of State.

The warrants shall be delivered to such persons as the State may be indebted, whether for services, subsistence, forage, clothing, transportation, or other necessities furnished according to law to the troops in the service of the State; and in order that such acknowledgments may be made, the Auditor shall issue to any disbursing officer of the State Militia, upon the order of the Governor, such amounts as may be required for the public service—the warrants so issued having the blank for the name of the payee unfilled, and to be filled by the disbursing officer with the name of the person to whom the State is indebted, and to whom the warrant shall be issued. The officer receiving such warrants from the Auditor shall give his duplicate receipts therefor, one of which shall be filed in the office of the Auditor, and the other in the office of the Secretary of State; and

each disbursing officer shall be charged by the Auditor with the amount of warrants so issued to him, and shall settle with the Auditor therefor by producing legal and valid vouchers for the amount paid out by him, and return the residue to the Auditor—such settlement to be made at the end of each quarter of a year from the first day of January, in the year eighteen hundred and sixty-two. The disbursing officer paying out a warrant to a creditor of the State, shall indorse on such warrant so paid the statement that he issued it, and sign his name with his style of office, as thus—"This warrant issued by me, _____, Quartermaster General," and shall be taken up or redeemed by said Quartermaster with money, whenever he may be furnished with it for that purpose.

The Treasurer shall receive from each Collector of taxes, upon settlement, such warrants as may have been paid in to him for taxes, and shall give him credit therefor as cash; and any Sheriff or other Collector of taxes who shall, directly or indirectly, be concerned in the purchase of such warrants at a discount upon their nominal amount shall be guilty of a misdemeanor, and upon conviction thereof shall be fined double the amount of the warrant so purchased.

At the end of each fiscal year, the Secretary of State, Auditor and Treasurer shall together compare the warrants that may have been paid into the treasury for taxes with the register in the offices of the Secretary and Auditor, and if it be found that such warrants are genuine and correspond with the register, and that there is no reason to believe that fraud has been practiced upon the State in relation to such warrants, they shall destroy those thus redeemed; but if they find that any fraud has been practiced, they shall preserve the warrants which may have been fraudulently issued, altered, counterfeited, or used, to be evidence in any judicial proceeding.

Mr. HALL of Buchanan said it was important that this should be carefully considered.

Mr. BRACKENRIDGE here stated that he was not informed by the authorities that this Hall would reduce in the shape of an ordinance. In the be required for another purpose this evening, and that the Convention would be compelled to vacate it at an early hour.

Mr. GASTY thought they had better continue in session till three o'clock.

Mr. BROADHEAD said there was an important objection to this whole proposition [meaning the amendment of Mr. Birch]. If he un-

derstood the reading of the form of the certificates, they would be nothing more nor less than bills of credit, and they would override the Constitution of the United States, and would result similarly to the old "loan office" system, which the gentleman would probably remember.

Mr. BIRCH said it was in no sense a bill of credit—but a mere acknowledgment of indebtedness on the part of the State. He wished to remark that this was about the best thing the Committee of Ways and Means could do. They had had several long sessions, and this amendment had been reported by the unanimous concurrence of the committee, with the exception of the gentleman from Cooper, (Mr. Douglass,) who had some constitutional objections to it.

Mr. HENDERSON arose for the purpose of requesting the gentleman to withdraw his amendment. At present, the subject requiring the attention of this body was the passage of the Military Bill, and, at the same time, provide some means for subsisting and equipping an army, which this bill proposed to raise. He believed it was evident from the remarks made by the gentleman from St. Louis, (Mr. Broadhead,) that if the proposition of the gentleman from Clinton was adopted it would avail nothing. He thought, at any rate, it ought to be withdrawn for the present, as it was out of order. The gentleman could not, as the representative of a committee, offer an amendment. The PRESIDENT decided the amendment out of order.

Mr. FOSTER offered an amendment to section nine, that a battalion shall consist of not less than two nor more than five companies, and shall be entitled to one Major; and a regiment shall consist of not less than eight companies. Rejected.

Mr. HALL of Randolph said he wished to offer an amendment as an additional section. He offered it for the reason that he apprehended the Convention could not retain a quorum long enough to give due consideration to the amendment which Mr. Birch would undoubtedly introduce in the shape of an ordinance. In the subject, he proposed to offer an amendment which would leave the bill in a shape in which it could be used. The amendment would authorize the Governor to issue certificates to those to whom the State may become indebted, and for the redemption of which certificates the gold and credit of the State should be pledged,

and each certificate may be redeemed out of any funds the Governor may receive for such purpose, and the total issue of such certificates shall not exceed \$1,000,000.

Mr. GASTY thought it was not wise for them to encumber the bill with any amendments of this sort. He believed it should be brought up in a separate form.

The PRESIDENT decided the amendment out of order.

Mr. HOWELL said he should vote against the bill, because he thought it was a species of legislation into which it was not proper for them to enter.

Mr. ORR said he should vote against it because he did not know anything about the articles of war.

Mr. SOL SMITH said he should ask to be excused from voting for the same reason. He remembered that the articles of war attached to Tom Harris' bill met with general condemnation, and he would not take the responsibility of voting for them until he had read them. At the same time he did not wish to raise any capricious objection to the measure.

Mr. STEWART said he should vote for the bill because he did know what the articles of war were.

The bill was then passed—ayes 43, noes 8—Messrs. Howell, Orr, Sayre, Hudgens, Woolfolk, Smith of Linn, Pipkin, and Welch, voting in the negative.

Mr. How, from the Committee on Ways and Means, presented a report to the effect that the committee had been unable to agree upon any measure for postponing the collection of debts and taxes through the State; and asked to be discharged. They also asked to be discharged from the consideration of the resolution concerning the confiscation of property, believing that the act of Congress went far enough on that subject. They also asked to be discharged from the consideration of the petition from the various Railroad Companies, as they deemed it inexpedient to enter further into general legislation.

Mr. SOL SMITH desired to offer an ordinance to prevent the sacrifice of real estate, but was decided out of order.

Mr. HOWELL moved that the report be committed with instructions to report an ordinance to postpone the collection of the State taxes for the present year.

Mr. GASTY moved to lay the motion on the table. Agreed to—ayes 33, noes 19.

JOURNAL OF THE MO. 108 STATE CONVENTION.

EIGHTH DAY.

FRIDAY, October 18, 1861.

Met at 10 o'clock A. M.

Prayer by Rev. Mr. McLAIR.

Mr. WELCH offered the following resolutions, which were adopted:

Resolved, That the President appoint a committee of three to contract with Messrs. George Knapp & Co. for the printing of five thousand copies of the debates and proceedings of the present called session of the State Convention, at rates not exceeding those heretofore agreed upon between the Convention and said George Knapp & Co. at its regular session in March last.

Resolved, That the account of George Knapp & Co. for printing five thousand copies of the proceedings and debates of the Convention be audited by said committee; and that the same be considered as printing for the Convention, and be paid for as other allowances of the Convention.

Resolved, That the said proceedings be distributed equally among the members of the Convention.

The President appointed Mr. Welch, of Johnson, and Messrs. Smith and Long, of St. Lou. Mr. WELCH also offered the following, which was agreed to:

Resolved, That the Committee on Accounts be directed to audit and allow the accounts for stationery purchased for the use of the Convention, and also the claim for the rent of the hall occupied by the Convention, and that said claims for rent and stationery be paid as other claims and accounts of the Convention.

Mr. PECKIN desired to be instructed in reference to auditing the accounts of members. He had audited them at five dollars per day and twelve cents per mile. There seemed to be an impression on the part of many that the recent bill passed by the Convention reducing salaries, applied to the members of the Convention, and that the mileage was more than twelve cents per mile. If there was to be any charge, he wished to know it.

After a brief discussion on the law relating to the amount of mileage to which they were entitled, the Convention instructed the commit-

tee to audit all accounts at five dollars per day and twelve cents per mile.

Mr. BIRCH called up the bill offered by him yesterday, as chairman of the Committee on Ways and Means, stating that he had changed it in one or two particulars, so as to obviate the objections which gentlemen entertained as to its previous so-called unconstitutionality.

Mr. HENDERSON desired to have his bill read.

Mr. GANTT inquired whether the gentleman from Pike intended to substitute it for Mr. Birch's bill.

Mr. HENDERSON said he did not; he merely wished to have it taken up.

The President stated that Mr. Birch's bill was before the Convention.

Mr. HENDERSON. I am aware of that, and I desire it to have precedence because it is reported by a committee. What I desire is to add the first six sections of the bill I introduced to the bill offered by Mr. Birch, leaving, of course, that portion of the ordinance I introduced, from the seventh to the eleventh section, out entirely. The design I had in view in authorizing the Governor to issue a million of bonds in small amounts has, I think, been embraced in the ordinance introduced by the chairman of the Committee of Ways and Means (Mr. Birch). Hence, it will be entirely unnecessary to provide for the issue of a million of bonds as I provide, provided the ordinance introduced by the gentleman from Clinton, as chairman of the committee, shall receive the concurrence of the Convention. My idea—and it seems to be the same that operated on the minds of the committee—was to have something in the shape of an evidence of indebtedness to be issued to the disbursing officers under the military bill, and that could be used in payment of the debts due to the soldiers under that bill. That view was entertained by the committee. I must confess a difficulty presented itself to my mind in drafting any ordinance on this subject. That difficulty is this: There is a prohibition in the Constitution of the United States preventing any State from issuing bills of credit. Upon the first presentation of

the ordinance by the gentleman from Clinton, it struck me that that ordinance was within the constitutional prohibition. I have examined, however, the case which went up from Chariton county in this State, in 1830, and also a case in Kentucky, in 1837, and am inclined to think, after the examination of these cases, that the changes made by the gentleman from Clinton in this ordinance, this morning, making them transferable only by special assignment, when issuing them in payment of indebtedness, will remove any defects which I may have imagined existed in the original bill. I do not think evidence of indebtedness would be any constitutional prohibition unless it be clearly designed to serve as a medium of exchange. There are some objections to the ordinance as it now stands. I object to that portion of it which provides that these certificates shall be receivable by officers in payment of taxes the present year, or any given year. It may be that \$1,000,000 will absorb the taxes of Missouri for the next two years, and it may be advisable that a portion of the taxes shall be paid into the treasury in money. I make no objections to the gentleman's bill. I think, perhaps, the same objections exist to the fifth section of my ordinance that exists in his own. If his are denominated bills of credit, mine will be also; the intention is to use them to pay indebtedness. The gentleman intends it, and so do I, and both may by some be regarded as bills of credit. But as they now stand I do not think they come within the constitutional prohibition. The gentleman proposes only \$1,000,000 of these certificates shall be issued. Gentlemen are aware that \$1,000,000 will go but a little ways towards paying the indebtedness that will soon accrue in arming and equipping the troops of this State—that is, if any considerable number should be raised; and I apprehend, although the power of drafting will not be resorted to—and I am glad of it—that there is every probability that volunteers will rally to the standard of the State, and drive out the invaders from our soil; or, at least, more men can be procured than we can raise money for. It seems to me that a million of dollars is a small amount; and if there should be a constitutional objection to the ordinance—and it should be remembered that we have the Supreme Court of Missouri to act (for gentlemen would not agree with me in the propriety of turning them all out—because I am somewhat radical on this subject, I will admit)—I say it should be remembered that we

have left them to adjudicate upon the acts of this Convention; and that being the case, it is better to have some outside provisions upon which we can fall back.

The amendment of Mr. Henderson was agreed to.

Mr. HALL of Randolph proposed to add the remaining sections of Mr. Henderson's bill, from 7 to 11 inclusive, and to strike out that portion of the bill offered by Mr. Birch. He said, under the ordinance offered by the Committee of Ways and Means the whole revenue might be absorbed, but under the ordinance proposed by the gentleman from Pike there could be but \$250,000 of the bonds authorized or applied for any particular year, leaving a portion of the revenue to go into the State treasury in money. He thought great inconvenience and injury might result from having all the revenue paid in these certificates. That was the substantial reason which controlled him in offering this amendment. So far as the efficiency of both ordinances was concerned, he did not know any particular difference. His impression was that the means to carry out this war would have to be furnished by the General Government. He understood means had been so furnished to other States, and also, to some extent, in this State. We must rely on the Federal Government, for we are doing what it is the duty of the Federal Government to do; and he had no doubt the Federal Government would furnish the means to accomplish the object at which we aimed.

Mr. McFERRAN proposed that the remaining sections of Mr. Henderson's ordinance be added, but that Mr. Birch's be allowed to remain *in statu quo*.

Mr. BIRCH said he understood the amendment proposed by the gentleman from Randolph (Mr. Hall) was a substitute for the bill reported by the Committee on Ways and Means. He proposed to address himself briefly to that subject, and give the views which governed one member of the committee—and he believed a majority—in proposing the bill under consideration. We now had in the State \$200,000 in the care of a disbursing agent, and to whom all such warrants as proposed by his bill would be presented and liquidated. His ordinance proposed, mainly, that the men now fighting under our flag might be furnished all the necessary supplies. If the Government has not the money, he might have the means of furnishing these supplies by paying out these warrants; and these warrants may be

redeemed on Second street, out of the money provided by the Federal Government.

This recognition of the services of the men would be best done in the manner proposed by his bill. If the General Government continued to furnish money, as it is its constitutional duty to do, these would be the best warrants in the State; and so far as their being absorbed was concerned, he felt sure they would be regularly redeemed on Second street. He had had transactions at the Government office this morning, and was familiar with the mode which he proposed. It might be advantageous to add the last sections of the bill offered by the gentleman from Pike (Mr. Henderson); but to strike out the bill reported by the committee and substitute the gentleman's bill in its place would contemplate an utterly different arrangement, and our troops would have no warrant or recognition of their services whatever until the State could realize money on her bonds. He believed every gentleman would admit the State of Missouri could not go into competition with the United States on these bonds, and while he would not shrink from the task which they had undertaken—even if Missouri bonds should be reduced to ten cents on the dollar—yet he thought there was no necessity at present for taking a step which would lead to that result.

Mr. HALL of Randolph said he would accept the proposition of the gentleman from Davis, (Mr. McFerran,) and simply add the sections named. He could move to strike out afterwards.

Mr. McFerran's motion was lost.

The question then being on agreeing to Mr. Birch's bill as amended by the addition of the first six sections of Mr. Henderson's bill,

Mr. PHILLIPS asked if it would not be in order to offer the whole of the bill as presented by the gentleman from Pike (Mr. Henderson) as a substitute for the bill reported by the gentleman from Clinton.

A point of order was here raised and discussed at some length. Finally, the vote was taken on the passage of Mr. Birch's bill as amended by the addition of the first six sections of Mr. Henderson's bill, and the bill as amended passed—ayes 37, noes 14.

Mr. WOOLFOLK offered the following:

Be it Resolved by the People of Missouri in Convention assembled, as follows: That, as many of our loyal citizens have entered into the service of the State of Missouri for the purpose of repelling invasion, suppressing insurrection, and

enforcing the laws of the Union in this State, which duties the Constitution imposes upon the Federal Government; and believing that the citizen-soldiers of the State—acquainted as they are with persons and localities—are more effective for suppressing the civil and social war in our midst, and restoring and preserving law and order, than troops from other States; and further believing that the militia system should be maintained, as many of our citizens will enter the service of the State who would be unable or unwilling to enlist as Federal soldiers; and whereas the financial condition of the State of Missouri renders it impracticable to provide for the arming, maintenance and pay of such volunteer militia,—we do therefore, in the name of the people of Missouri, petition the Government of the United States to provide for the maintenance and payment of such militia as have enlisted, or may hereafter enlist, in the service of the State during the existence of the present civil and social war in our midst.

Mr. BRECKINRIDGE moved to add the following:

Resolved, That the Governor be directed to proceed to Washington, to make known to the General Government the condition of the State, its military organization and finances, and to propose to that Government such measures as will enable the State to cooperate efficiently in the prosecution of the present war.

Mr. WOOLFOLK accepted the additional resolution, and they were both agreed to.

Mr. BIRCH offered the following:

AN ORDINANCE RESPECTING THE STATE REVENUE AND THE PAYMENT OF OFFICERS.

Be it ordained by the People of the State of Missouri in Convention assembled, That the several Collectors be allowed until the first day of March next to collect and pay in the State revenue; and that so long as the Banks of the State continue to maintain their present showing of ultimate solvency, their notes shall be received for State revenue and paid out for State salaries.

A motion was made to lay the bill on the table, and it was sustained by ayes 37, noes 13.

Mr. BRECKINRIDGE offered a resolution that when the Convention adjourns, it adjourn to the first Monday in April, 1862.

Mr. HOWELL moved to substitute a resolution to adjourn *sine die*. Lost—ayes 18, noes 33.

Mr. SOL SMITH offered the following as a substitute:

"The existence of this Convention shall terminate on the day of the assembling of the Legislature to be elected in eighteen hundred and sixty-two, and in the interim shall be subject to be called together by the Governor if, in his opinion, the exigencies of the State demand it."

The substitute was agreed to, and the resolution adopted.

The Convention then adjourned to 3 p. m.

On re-assembling, Mr. BUSH offered a bill

requiring the Banks to resume specie payments.

Mr. HALL of Buchanan moved to take a recess of half an hour.

Motion sustained.

At the expiration of the recess, Mr. SOL SMITH offered a bill allowing debtors two years to redeem their property after a sale under execution.

Mr. HALL of Buchanan moved to adjourn.

Motion sustained, and the Convention adjourned *sine die*.



Not passed

and Means, made a report, which was received and agreed to.

Mr. Biren, from the Committee on Ways and Means, reported an ordinance, entitled, "An ordinance providing for the defense of the State," which, on motion of Mr. PHILLIPS, was laid on the table, two hundred copies ordered to be printed, and made the special order for to-morrow at ten o'clock.

Mr. HENDERSON offered an ordinance on the same subject, which was disposed of in like manner.

Mr. WELCH offered the following resolution, which was adopted:

Resolved, That an ordinance passed at the present session of this Convention, entitled "An ordinance providing for changing the time of holding certain elections," and an ordinance entitled "An ordinance providing for abolishing certain offices, reducing salaries and testing the loyalty of civil officers, and offering amnesty to certain persons on certain conditions," passed at the present session of this Convention, be published and paid for in the same manner as the ordinances adopted by this Convention at its session in July last.

Mr. McFERRAN, from the Committee on Civil Officers, made the following report:

The Committee on Civil Officers have had under consideration the accompanying ordinance, and a majority agree to, and report the same back to the Convention, and recommend its adoption.

McFERRAN, *Chairman*.

AN ORDINANCE CONCERNING THE REPEAL OF THE SECOND SECTION OF AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, ENTITLED, "AN ACT TO ESTABLISH A UNIFORM SYSTEM OF PUBLISHING NOTICES OF JUDICIAL SALES AND OTHER LEGAL NOTICES IN ST. LOUIS COUNTY, STATE OF MISSOURI."

Be it ordained by the People of Missouri in Convention assembled, as follows:

The second section of an act of the General Assembly of the State of Missouri, approved March 5, 1861, entitled, "An act to establish a uniform system of publishing notices of judicial sales and other legal notices in St. Louis county, State of Missouri," is hereby repealed, and declared of no validity whatever.

Mr. HALL of B. moved to lay the ordinance on the table, which motion was decided in the negative by the following vote—the ayes and noes called for by Mr. WRIGHT:

AYES—Messrs. Douglass, Gravelly, Hall of B., Henderson, Hendricks, Howell, Jamison, Johnson, Noell, Phillips, Pipkin, Pomeroy, Rawland, Sayre, Shaekelford of St. L., Stewart, Tindall, Welch, Woolfolk, Wright, Vanbuskirk, and Mr. President—22.

NOES—Messrs. Allen, Biren, Bogy, Brockbridge, Broadhead, Bridge, Bush, Eitzen, Foster, Gantt, Hitchcock, Holmes, How, Irwin, Ishell, Jackson, Leeper, Linton, Long, Marvin, Maupin, McCormack, McDowell, McFerran, Meyer, Orr, Smith of St. L., Turner, and Zimmerman—29.

On the passage of the ordinance Mr. PIPKIN called for the ayes and noes, and it appearing there was no quorum, on motion of Mr. HALL of B., the Convention adjourned until to-morrow morning at ten o'clock.

EIGHTH DAY.

FRIDAY MORNING, October 18, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by the Rev. Mr. McCLAIN.

The Journal of the proceedings of yesterday was read and approved.

The regular order having been passed over temporarily, Mr. WELCH introduced the following resolution, which was adopted:

Resolved, That the President appoint a committee of three to contract with George Knapp and Co., for the printing of five thousand copies of the debates and proceedings of the present called session of the State Convention, at rates not exceeding those heretofore agreed upon between the Convention and the said George Knapp & Co., at its regular session in March last.

Resolved, That the account of George Knapp & Co., for printing five thousand copies of the proceedings and debates of this Convention, be audited by said committee, and that the same be considered as printing for the Convention, and paid for as other allowances of the Convention.

Resolved, That said printed proceedings be distributed equally among the members of the Convention.

The President appointed upon said committee Messrs. Welch, Smith of St. L., and Long.

Mr. WELCH offered the following resolution, which was adopted:

Resolved, That the Committee on Accounts be directed to audit and allow the accounts for stationery purchased for the use of the Convention; and also the claim for the rent of the Hall occupied by the Convention, and that said claim for rent and stationery be paid as other accounts of the Convention.

The ordinance to provide for the defense of the State introduced by Mr. Biren, from

the Committee on Ways and Means, was taken up, and is as follows:

AN ORDINANCE TO PROVIDE FOR THE DEFENSE OF THE STATE.

Be it ordained by the People of the State of Missouri, by their Delegates in Convention assembled, as follows:

That in order to facilitate the prompt and regular acknowledgment of such indebtedness as may accrue under the provisions of the ordinance "to provide for the organization and government of the Missouri State Militia," in cases where no money may be at the time available for the payment thereof, the Auditor of Public Accounts shall cause to be prepared warrants in the form hereafter prescribed, with such devices as he may think proper—such warrants to be of the denominations of five, ten, twenty, fifty, one hundred, and one thousand dollars, making the amount in dollars of each denomination equal, and the whole amount, to be outstanding at any time, not to exceed one million dollars—which warrants shall be signed by the Auditor, and countersigned by the Secretary of State, and shall be registered in the office of the Auditor and Secretary of State, and shall be at all times redeemable at the Treasury, out of any money in the Treasury not otherwise appropriated.

The following shall be the form of said warrants before being filled up:

The State of Missouri promises to pay to _____ or to his assignee, _____ dollars, and this warrant shall be receivable in taxes due the State, and the bank stock owned by the State is pledged for its redemption, if it shall not be otherwise redeemed or paid in for taxes before the thirty-first day of December, 1862.

Auditor.

(Countersigned,) _____
Secretary of State.

The warrants shall be delivered to such persons as the State may be indebted, whether for services, subsistence, forage, clothing, transportation, or other necessities furnished according to law to the troops in the service of the State, and shall pass by special assignment alone; and in order that such acknowledgments may be made, the Auditor shall issue to any disbursing officer of the State Militia, upon the order of the Governor, such amounts as may be required for the public service—the warrants so issued having the blank for the name of the payee unfilled, and to be filled by the disbursing officer with the name of the person to whom the State is indebted, and to whom the warrant shall be issued. The officer receiving such warrants from the Auditor shall give his duplicate receipts therefor, one of which shall be filed in the office of the Auditor, and the other in the office of the Secretary of State; and each disbursing officer shall be charged by the Auditor with the amount of warrants so issued to him, and shall settle with the Auditor therefor, by producing legal and valid vouchers for the amount paid out by him, and return the residue to the Auditor; such settlement to be made at the end of each quarter of a year from the first day of January, in the year eighteen hundred and sixty-two. The disbursing officer so delivering a warrant to a creditor of the State, shall endorse on the warrant so delivered the statement that he issued it, thus—“This warrant issued by me”—and shall subscribe thereto his name with his style of office, and said warrant shall be taken up or redeemed by the proper disbursing officer with money, whenever he may be furnished with it for that purpose.

The Treasurer shall receive from each collector of taxes, upon settlement, such warrants as may have been paid in to him for taxes, and shall give him credit therefor as cash; and any sheriff, or other collector of taxes, who shall directly or indirectly be concerned in the purchase of such warrants at a discount upon their nominal amount, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined double the amount of the warrant so purchased.

At the end of each fiscal year, the Secretary of State, Auditor, and Treasurer, shall together compare the warrants that may have been paid into the treasury for taxes with the register in the offices of the Secretary and Auditor, and if it be found that such warrants are genuine and correspond with the register, and that there is no reason to believe that fraud has been practised upon the State in relation to such warrants, they shall destroy those thus redeemed; but if they find that any fraud has been practised, they shall preserve the warrants which may have been fraudulently issued, altered, counterfeited, or used, to be evidence in any judicial proceeding.

Mr. HENDERSON moved to amend as follows:

Amend by adding to the ordinance the following:

“Be it further ordained, That for the purpose of arming and supporting the Militia of the State, and with a view to protect the lives and property of its citizens, the Governor of the State is hereby authorized and empowered to issue bonds of the State to the amount of one million of dollars, which said bonds shall be dated on the day of their issue, and made payable ten years after the date thereof, bearing interest at the rate of seven per cent. per annum, and with interest coupons attached; the interest to be paid semi-annually, at the Bank of Commerce, in the city of New York, or at such other point as the Governor may deem expedient.

“Said bonds shall be issued under the seal of the State, in sums of not less than two hundred nor more than five thousand dollars—shall be signed by the Governor, and countersigned by the Secretary of State. The interest coupons shall be signed by the Governor, and attested by the Auditor of Public Accounts, and shall be made payable on the first day of January and the first day of July of each year. The bonds aforesaid shall be made payable to the Auditor of Public Accounts, and by him numbered and registered in his office.

“The Auditor shall endorse said bonds, and deliver the same to the Governor, who is hereby authorized and empowered to nego-

tiate the same upon such terms as he may deem best for the interests of the people of the State. He may hypothecate them, or any amount, of them, to individuals, or to the Government of the United States, for moneys advanced; and if the same can not be sold nor hypothecated upon terms satisfactory to the Governor, he shall solicit the endorsement of said bonds by the proper authorities of the Federal Government previous to their negotiation.

“All bonds issued under the provisions of this ordinance shall be denominated UNION DEFENCE BONDS OF MISSOURI; the faith and credit of the State are hereby pledged to the payment of the principal and interest thereof, and for the purpose of securing the prompt payment of the interest thereon, it is hereby ordained that the Treasurer of the State shall annually set aside the sum of seventy thousand dollars out of any money coming into the treasury on account of the revenues of the State.

“In order to secure the ultimate redemption of the aforesaid bonds, it is hereby ordained and declared that the clerks of the county courts of the several counties of the State, or the clerks of the tribunals then entrusted with similar duties under the laws of the State at the time, when they prepare a copy of the tax books for the years 1870 and 1871, for the use of the collectors of their respective counties, levy, in addition to the tax which shall or may then be levied by the laws of the State, fifteen cents on the hundred dollars of taxable property, for each of the years aforesaid, in their respective counties, which said tax shall be kept separate by the collectors and the Auditor and Treasurer of the State, under the title or head of “Union Defence Fund.” During the years 1870 and 1871, there shall be levied and collected upon all licensees granted a tax of twenty-five per cent. in addition to the amounts prescribed to be collected thereon by the legislation of the State at that time, which said license tax shall in like manner be paid into the treasury to the credit of said fund. And upon the maturity of the bonds hereinbefore provided for, the Governor and Treasurer of

the State shall cause the same to be redeemed out of the fund herein created.

“The said tax shall be collected in the same manner as may at the time be provided for the collection of the revenue of the State; and the several officers charged with duties in respect to the collection of the general revenue shall have the same powers and privileges in respect to said special tax, and shall be liable to the same penalties and forfeitures for failure to perform their respective duties.”

The amendment was agreed to.

The ordinance as amended was then adopted by the following vote, the ayes and noes being called by Mr. Wright:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Eitzen, Gravelly, Hall of B., Hall of R., Henderson, Hendricks, Hitechock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Maupin, McDowell, McFarran, Meyer, Noell, Orr, Pomeroy, Rowland, Shaekeford of St. L., Smith of St. L., Turner, Vanburskirk, and Zimmerman—37.

NOES—Messrs. Douglass, Howell, Hudgens, Marvin, McCormack, Phillips, Pipkin, Sayre, Smith of L., Tindall, Welch, Woolfolk, Wright, and Mr. President—14.

Mr. Woolfolk offered the following resolutions, which were adopted:

Be it resolved by the People of Missouri in Convention assembled, as follows:

That, as many of our loyal citizens have entered into the service of the State of Missouri for the purpose of repelling invasion, suppressing insurrection, and enforcing the laws of the Union in this State, which duties the Constitution imposes upon the Federal Government; and believing that the citizen soldiery of the State, acquainted as they are with persons and localities, are more effective for suppressing the civil and social war in our midst, and restoring and preserving law and order, than troops from other States; and further believing that the militia system should be maintained, as many of our citizens will enter the service of the State who would be unable or unwilling to enlist as Federal soldiery; and whereas the financial condition of the State of Missouri renders it impracticable to provide for the arming, main-

Ordinances Passed at
the Various Sessions
of the Missouri State
Convention.

Assembly of this State, in the same manner and with like effect as the ordinary legislation of the State may be altered, amended or repealed.

Adopted October 17, 1861.

AN ORDINANCE TO PROVIDE FOR THE DE-
FENCE OF THE STATE

Be it ordained by the People of the State of Mis-
souri, by their Delegates in Convention assem-
bled, as follows:

That in order to facilitate the prompt and regular acknowledgment of such indebtedness as may accrue under the provisions of the ordinance to provide for the organization and government of the Missouri State Militia, in cases where no money may be at the time available for the payment thereof, the Auditor of Public Accounts shall cause to be prepared warrants in the form to hereafter specified, with such devices as he may think proper, such warrants to be of the denomination of five, ten, twenty, fifty, one hundred, and one thousand dollars, making the amount in dollars of each denomination equal to the whole amount to be outstanding at any time not to exceed one million dollars, which warrants shall be signed by the Auditor, and countersigned by the Secretary of State, and shall be registered in the office of the Auditor and Secretary of State, and shall be at all times receivable at the treasury, out of any moneys in the treasury not otherwise appropriated.

The following shall be the form of said warrants before being filled up:

"The State of Missouri promises to pay to _____, or to his assignee, _____ dollars, and this warrant shall be receivable in taxes due the State, and the bank stock owned by the State is pledged for its redemption, if it shall not be otherwise redeemed or paid in for taxes before the thirty-first day of December, 1862.

(Counterigned.)

_____, Auditor.

_____, Secretary of State."

The warrants shall be delivered to such persons as the State may lawfully employ, whether for services, subsistence, forage,

clothing, transportation, or other necessaries furnished according to law to the troops in the service of the State, and shall pass by special assignment stated, and in order that such acknowledgment may be made, the Auditor shall issue and the Treasurer of the State Militia, upon the order of the Governor, such amount of tax to be required for the public service, and warrants to be issued thereon for the value of the tax so assessed, and so be filled by the

Treasurer, under the hand of the person to whom the State is indebted, and to whom the warrants shall be issued. The officer receiving such warrants from the Auditor shall give his duplicate receipts therefor, one of which shall be filed in the office of the Auditor, and the other in the office of the Secretary of State; and each discharging officer shall be charged by the Auditor with the amount of warrants so issued to him, and shall settle with the Auditor therefor, by producing said and valid vouchers on the amount paid out by him, and returning the receipt to the Auditor, with settlement of the same at the end of each quarter of a year, from the first day of January, in the year ending 1862, and sixty-two. The discharging officer discharging a warrant to a volunteer of the State, shall endorse on the warrant so discharged the statement of the soldier or sailor in the warrant issued by him, and shall subscribe thereon his name with his rank or office, and such warrant shall be taken up, or redeemed by the proper discharging officer, with money, or note or certificate with interest thereon.

The Treasury shall receive from such collector of taxes, upon settlement, such warrants as may lawfully be taken up for tax so, and shall give him credit therefor as cash; and any soldier or officer or bearer of taxes, who shall directly or indirectly, be concerned in the purchase of such warrants at a discount upon their nominal amount, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be fined double the amount of the warrant so purchased.

At the end of each fiscal year, the Secretary of State, Auditor, and Treasurer, shall

The general revenue shall bear the same proportion to the total revenue as the general revenue of the United States shall bear to the total revenue of the United States.

And the same proportion shall be maintained in the case of the several States.

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tenance and pay of such volunteer militia as have enlisted or may hereafter enlist in the service of the State during the existence of the present civil and social war in our midst:

Resolved, That the Governor be directed to proceed to Washington, to make known to the General Government the condition of the State, its military organization and finances, and to propose to that Government such measures as will enable the State to cooperate efficiently in the prosecution of the present war.

Mr. BRECKINRIDGE offered the following resolution:

Resolved, That when this Convention adjourns its present session, it will adjourn to meet in the Representative Hall at Jefferson city, on the first Monday of April, A. A. 1862; subject, however, to the call of the Governor, who shall have power to convene the body at such time prior thereto, and at such place, as in his judgment the public exigencies may require.

Mr. HOWELL moved to amend, by way of substitute:

Resolved, That when this Convention adjourns its present session, it shall stand adjourned *sine die*.

Which was disagreed to.

Mr. ORR moved to amend by striking out the words "and at such place as in his judgment the public exigencies may require." Disagreed to.

Mr. SMITH of St. Louis offered the following substitute, which was adopted:

Resolved, That the existence of this Convention shall terminate on the day of the assemblage of the Legislature to be elected in 1862, and in the interim shall be subject to be called together by the Governor if in his opinion the exigencies of the State may require its assemblage, but not otherwise.

Mr. BIRCH offered the following, which was adopted:

Resolved, That the Secretary of this Convention be instructed and required to properly enrol the ordinances of this Convention, certify to the date of the passage thereof, and file them in the office of the Secretary of State.

On motion of Mr. HALL of B., the Convention adjourned until 3 o'clock P. M.

EVENING SESSION.

The Convention was called to order by the President.

Mr. WELCH offered the following resolution, which was adopted:

Whereas, at the first session of this Convention, a contract was entered into by this body, through a committee appointed for that purpose, with two reporters, to report its debates and proceedings; and whereas since the last adjournment one of said reporters has departed this life, and the whole and entire labor of such report has been performed by Mr. L. L. Walbridge, the survivor of said reporters: Therefore,

Resolved, That the Committee on Accounts be instructed to allow to said L. L. Walbridge the pay heretofore allowed to both of said reporters, and that said claim be paid in the same manner as the pay of the officers and members of this Convention.

Mr. BIRCH presented the following:

AN ORDINANCE CONCERNING THE RESUMPTION OF SPECIE PAYMENT BY ALL THE BANKS IN THE STATE OF MISSOURI.

Whereas the General Assembly of the State of Missouri did, contrary to the true interest of the people and in violation of the Constitution of the State, enact certain laws attempting to legalize the suspension of specie payment by the banks of this State: Therefore,

Be it ordained, That all the banks of issue chartered in this State, parent banks and their branches, shall resume specie payment on or before the first day of February, 1862. From and after said day, they shall be required to redeem each their own circulation with gold and silver coin; and whenever, after said day, a demand shall be made at the counter of any bank for the redemption of her notes, the same shall be considered as on demand, without regard to the denomination or number of notes presented. If any bank shall fail promptly to pay and redeem in gold and silver coin her notes, when such demand is made, the charter of such bank shall be annulled and forfeited; and it shall be the duty of the Governor, on receiving evidence satisfactory to him of such failure, to take pro-

ceeding immediately of all the property and assets of such bank, of whatever nature and description, and wherever the same may be located, and to have the affairs and business of such bank administered and wound up for the best interest of its creditors, by such persons as he shall designate in such manner as to pay and cancel, first, her circulation; next, to pay all other lawful debts of such bank, and lastly, to divide any balance remaining among the stockholders: and all acts and parts of acts inconsistent with this ordinance are hereby repealed.

Pending action on which, on motion of Mr. HALL of B., the Convention took a recess of half an hour.

The Convention having been called to order by the President,

Mr. SMITH of St. Louis presented the following, which was read:

AN ORDINANCE TO PREVENT THE SACRIFICE OF PROPERTY.

The People of Missouri in Convention assembled, do ordain as follows:

All real estate hereafter sold under execution or deed of trust shall be subject to redemption any time within two years from the passage of this ordinance, on payment of the debt, interest, and costs, with interest thereon at the rate of ten per cent. per annum from the time of such sale until the day of redemption.

On motion of Mr. HALL of B., the Convention adjourned.

ROBERT WILSON, *President*.

Attest:

SAMUEL A. LOWE, *Secretary*.

No action

*No State Convention
Oct 18, 1861*

JOURNAL OF THE SENATE,
 EXTRA SESSION OF
 THE REBEL LEGISLATURE.

CALLED TO ORDER 45

A PROLEGOMENON OF C. D. JACOBSON

MISCELLANEOUS ACTS

AN ACT regulating mileage of members in the present extraordinary session of the General Assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor General be instructed to issue and allow to each member of the General Assembly, commencing upon this session of the General Assembly, and during each subsequent session, for each mile actually traveled by such member into the State, coming to and remaining from the place of meeting of this General Assembly, his home.

This act to take effect and be in force from and after its passage.

Read first, second and third times, passed, October 11, 1861.

JOHN T. CRISP, Secretary of the Senate.

AN ACT to provide for the defense of the State of Missouri.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of ten millions of dollars is hereby appropriated out of any money in the treasury or which may hereafter be paid into the treasury for the purpose of repelling invasion and sustaining the State in her efforts to maintain her sovereignty.

§ 2. That bonds to the amount hereby appropriated, to be denominated Defense Bonds, shall be issued, payable in three, five and seven years, and shall be receivable in payment of all dues.

§ 3. Said bonds shall be issued in sums of not less than one and not greater than five hundred dollars; and all bonds of five dollars and upwards shall bear interest at the rate of ten per cent. per annum from their issue.

§ 4. That William Shields, Thomas H. Murray and Henry W. Lyday are hereby appointed commissioners, who shall each give bond in the sum

of twenty-five thousand dollars, conditioned for the faithful discharge of the duties of their respective offices, which said bonds shall be approved by the Governor and filed in the office of the Secretary of State.

§ 5. It shall be the duty of said commissioners to issue such amount of said bonds as they shall deem necessary for the defense of the State, and cause the same to be countersigned by the Governor or Treasurer; and said commissioners shall cause the same to be registered in a book, to be provided and kept by them for that purpose, and they shall charge themselves with the amount thereof.

§ 6. Said commissioners shall, from time to time, pay over to the Quartermaster General for the State, or other disbursing officer, upon the requisition of the Governor, such an amount of said bonds as the exigencies of the public service may require, taking duplicate receipts therefor, one of which shall be filed in the office of the Auditor of Public Accounts, and the other in the office of said commissioners, crediting themselves with the amount thereof.

§ 7. Any two of said commissioners shall be authorized to act, and in the event that any two of said commissioners shall be disqualified or refuse to act then the Governor shall appoint some suitable person or persons to act in their stead, who shall exercise like bond as aforesaid, required.

§ 8. Said commissioners shall each receive the sum of two thousand dollars per annum as full compensation for his services.

§ 9. The bonds issued by virtue of this act shall be legally receivable in payment of all taxes and debts due the State.

§ 10. That all the revenue of the State of Missouri, both ordinary and extraordinary, are hereby pledged for the payment of the bonds issued by virtue of this act.

§ 11. Said commissioners shall have full authority to negotiate or hypothecate any amount of said bonds for the purpose of raising funds to defray the expenses incurred in the defense of the State.

§ 12. The Governor shall fill any vacancy which may occur in the board of commissioners.

§ 13. The offices of Auditor of Public Accounts and State Treasurer are hereby declared vacant, and the Governor is hereby authorized to appoint an Auditor of Public Accounts and Treasurer, who shall give bond as now required by law, and who shall hold their offices until the next regular election for Auditor and Treasurer.

§ 14. It shall be the duty of the Quartermaster General, upon the requisition of the board of commissioners, to furnish suitable transportation for the purpose of transporting said bonds to this State.

§ 15. Said commissioners shall hold their office until the first day of January, 1863, and until their successors shall be elected and qualified.

This act shall take effect and be in force from and after its passage.

Read the first, second and third time and passed, November 1, 1861.

JOHN T. CRISP, Secretary of the Senate.

at Cassville

REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS.

AUDITOR'S OFFICE, MISSOURI,)
Jefferson City, June, 1862. }

To the President of the
Missouri State Convention.

I have deemed it important to the fiscal affairs of our State, as one of her public servants, having charge of her monetary affairs, to submit to your Honorable body, some considerations and facts, which, if adopted, may result in great advantage to the State, lead to an entire absorption of the defence warrants issued by virtue of the ordinance of 18th October, 1861; save the sale of the bank stock pledged for their redemption, and afford great relief to our suffering tax-payers, by extending their reception for the taxes due the State in 1863.

Under the ordinance above referred to there has been issued on the requisitions of the Governor, and delivered to the various Assistant Paymasters of the Missouri State Militia, and the Quartermaster General of Missouri, the sum of seven hundred and twenty thousand dollars, up to the present date; of this amount, the largest sum has been paid out to the six months' militia, and the balance disbursed by the Quartermaster General in payment for forage, provisions and supplies, ordnance stores, etc., under the ordinance of October 18th, 1861. These warrants have gone into general circulation; and in counties where the revenue has been collected, have soon been returned to the State Treasury; the holders of these warrants, in those counties who were tax-payers have suffered no loss, as they readily answered the wants of the community. In many instances, however, owing to the stringency of the money market, the unsettled condition of affairs, the gloomy future before us, many of our soldiery and needy citizens have had to suffer considerable depreciation in their value, in exchanging them for par funds. This depreciation was caused from

the want of a home demand in non-tax-paying counties, by the Shylocks and brokers, who saw opened up to them a fine field of speculation in the disordered condition of the financial affairs of our State. I believe, however, if the Convention would amend the ordinance of October 18th, 1861, and make them receivable for the taxes of 1863—and for all balances due by late collectors for the taxes of 1860—the value of the warrants would be appreciated to par; the whole amount issued would be retired and paid into the Treasury; the State relieved from the debt created; the civil Government carried on without resort to borrowing; the people of the State greatly enabled to pay the revenue of 1863; and the bank stock saved from sale at its present depreciated price.

1st. Make them receivable from late collectors, who are in default for all balances due the State, for the taxes of 1860.

2d. Make them receivable for the taxes of the year 1863.

This extension of time would give three years for their redemption, leaving other means sufficient (exclusive of defence warrants) to defray the ordinary expenses of the State Government, which will reach three hundred thousand dollars per annum, exclusive of the deduction of the twenty per cent. per annum for the year 1862 for the pay of civil officers.

The ordinance of the Convention of October 18th, 1861, provided for the redemption of these warrants by the 31st of December, 1862; and if not then redeemed, pledged the bank stock owned by the State for their payment. It was contemplated that, if the revenues of 1861 and 1862 would equal the revenues of 1859 and 1860, (about \$880,000 each year,) the whole amount would be received into the Treasury for the taxes of 1861 and 1862, by the 31st of December, 1862; but the revenue of 1861 has fallen far below the revenue of 1860, as there has only been forty-one out of one hundred

and fourteen counties (the whole number of that year, 1861. See Tables A and B. Should the collections of 1862 not exceed those of 1861, which is very probable, owing to the great depreciation in the value of real and personal property, and the loss of slaves in the State, it will require nearly the whole of the revenues of these two years, 1861 and 1862, to take up the defence warrants issued, leaving but little money in the Treasury for the support of the civil Government, and leaving no funds for apportionment to the school and asylum fund, under the laws of the State. Under the ordinance, defence warrants, when once paid into the Treasury, cannot be issued out again, but must be cancelled and destroyed; the ordinance virtually suspended; the apportionment and distribution of said funds (school and asylum) for the years 1861 and 1862. I doubt somewhat the policy of the Convention exercising the powers of general legislation, as the legislative body under the Constitution will soon be elected by the people, when all necessary laws can be enacted; but in the absence of the General Assembly, when the interest of the State demands immediate action, I think it proper and right for the Convention to adopt such measures as will carry into successful operation and effect its ordinances heretofore enacted. I would especially suggest that, in carrying out the several ordinances passed by the Convention, considerable expenses were incurred for the promulgation and publication of the ordinances in the public newspapers throughout the State, and no provision was made by your body for their payment. The only special appropriations made by the law of the land to cover such contingencies, under which the Governor and Secretary of State had authority to order and direct their payment, to wit, the "Contingent Expenses of the Governor and Secretary," and the "General Contingent Fund," had been exhausted, and no warrant can be drawn by the Auditor upon a fund exhausted. Another considerable item of expense was incurred for the purchase of books for the defence warrants, having

Another subject of legislation is well worthy its consideration of the Convention, as it affects much the revenues of the State. I allude to the delinquent land list of the year 1861, and the delinquent land list of St. Louis county for the year 1860. The revenue law requires the collectors to return to our troubles, and other circumstances beyond control, no delinquent land lists for 1861 have been received and filed within the time required by law; consequently, none of the lands can be redeemed at the State Treasury, nor the taxes paid in the counties where situated. The lands are completely tied up; parties cannot pay or redeem them, and the State is left loser to hundreds and thousands of dollars. If these land lists were made receivable by an ordinance of the Convention, as is always done by special legislation, I am satisfied that at least one hundred thousand dollars would be paid into the Treasury on these lands within a short period, which will not be done under the present circumstances; collectors will be relieved from liability, and the State greatly benefited.

One other highly important and patriotic subject appeals to your consideration, and is well worthy of early action; one which calls aloud to every true-hearted Missourian; that is, the care and protection of our sick, wounded, and suffering soldiers, who have suffered upon the bloody fields of Pen Ridge and Shiloh, in defence of our common country. Our States have made generous provisions for their sick and wounded; (Governors and State officials have visited the battle-fields with all the means necessary for their comfort and support; why should not Missouri, who has so many of her sons battling for the Union on the fields

[See Table A; also Table B.]

• *topical*

Wm. S. Mosely,

Yours obedient servant,

Very respectfully,

“information” for

and to them in the hour of need? When Tennessee and Arkansas send a helping hand to those who have perished all for our country, homes, and families. The amount of the warrants authorized by the Conference is one million of dollars; the amount sent and delivered is seven hundred and twenty thousand dollars, leaving two hundred and eighty thousand dollars. As nearly all the expenses of the six months' militia have been paid, place one hundred thousand dollars of these warrants at the disposal of the Government, to be expended in providing for the sick and wounded, in bringing them home, and ministering to their wants whilst stricken down by disease and suffering from wounds received, and burying those who have fallen in the bloody conflicts. No true patriotic Missourians would murmur at such an appropriation. Men who have perished their lives for our homes, for the preservation and perpetuation of the Union as our fathers made it, are deserving and entitled to our aid and sympathy.

The suggestions I have presented will, in my opinion, if adopted, prove highly beneficial to our State and her suffering people. All measures which tend to the fostering and protection of her revenues, are highly important and necessary. "The revenue of the State is the State: in effect we are dependent upon it, whether for support or

[Table A.]

Amount of Tax
Not received
for 1861.
Amount paid
1861.

| | | | |
|---|--------------------|-------------|-------------|
| 1 | Adair..... | \$ 4,682 85 | \$ 4,682 85 |
| 2 | Andrew..... | 10,378 06 | |
| 3 | Archison..... | 4,860 29 | |
| 4 | Beone..... | 22,432 77 | 12,904 26 |
| 5 | Callwell..... | 4,379 05 | |
| 6 | Colt..... | 7,720 02 | |
| 7 | Crawford..... | 8,115 45 | |
| 8 | Dartless..... | 6,421 43 | |
| 9 | Genney..... | 3,979 16 | |
| 10 | Grandy..... | 3,725 47 | 2,745 17 |
| 11 | Harrison..... | 6,071 41 | |
| 12 | Henry..... | 9,911 44 | 6,409 89 |
| 13 | Holt..... | 3,335 29 | |
| 14 | Howard..... | 21,730 69 | |
| 15 | Jafferson..... | 6,189 85 | 4,818 33 |
| 16 | Lafayette..... | 3,470 21 | |
| 17 | Lafayette..... | 28,752 05 | |
| 18 | Lowry..... | 10,051 10 | |
| 19 | Lincoln..... | 10,500 18 | |
| 20 | Linn..... | 4,886 81 | |
| 21 | Maries..... | 1,837 20 | 1,250 60 |
| 22 | Monteau..... | 6,866 47 | |
| 23 | Morcer..... | 3,549 61 | 2,625 28 |
| 24 | Monroe..... | 12,463 61 | |
| 25 | Montgomery..... | 9,535 25 | |
| 26 | Ozage..... | 4,106 61 | |
| 27 | Perry..... | 5,408 10 | |
| 28 | Pontis..... | 6,435 40 | |
| 29 | Pike..... | 11,761 24 | |
| 30 | Parnam..... | 4,112 33 | 3,362 88 |
| 31 | Ralls..... | 8,662 87 | 1,123 34 |
| 32 | Hamilton..... | 9,559 00 | |
| 33 | Hart..... | 13,438 30 | |
| 34 | St. Charles..... | 14,662 83 | 8,993 36 |
| 35 | St. Francois..... | 6,016 98 | |
| 36 | St. Genevieve..... | 5,607 45 | |
| 37 | St. Louis..... | 273,549 04 | 193,393 98 |
| 38 | Shelby..... | 1,095 01 | |
| 39 | Smith..... | 4,825 50 | |
| 40 | Warren..... | 5,390 90 | 4,921 25 |
| 41 | Worth..... | 1,881 17 | |
| Total amount.....\$604,220 74 | | | |
| \$233,386 96 | | | |
| Total amt received in 1861, in | | | |
| cash and Defence Warrants.....\$279,425 51 | | | |
| Number of Defence Warrants issued up to 1st June 1862, is \$720,000 00 | | | |
| Amount paid into the Treasury up to said date, is.....\$94,265 00 | | | |
| Returned and collected by Major Sawyer, Paymaster Missouri State Militia.....2,175 00 | | | |
| Returned and collected by Col. C.C. Marsh, Paymaster Missouri State Militia.....335 00 | | | |
| Total amt of outstanding Defence Warrants to June 1, 62, \$623,225 00 | | | |

[Table B.]

The gross amount of revenue of 1861, chargeable against the various Collectors, up to this date, (June 1st, 1862,) as per receipts filed, in the forty-one counties referred to in Table A, is.....\$604,220 74

| | |
|--|--|
| Amount paid into the Treasury, up to above date, as per receipts of Treasurer, including Defence Warrants, is.....\$253,386 96 | |
| Leaving a balance unpaid on the taxes of 1861, (less commissions, mileage, etc,) of.....\$330,833 78 | |
| [It is impossible, at this time, to give the net revenue of 1861, as the several Collectors have not filed their delinquent and lists of that year, and their accounts cannot be finally balanced and closed up until their proper credits are allowed. In fact, many of the Collectors did not receive and receipt for the books of 1861, until after that year had expired; some of them did not receive for the books till the month of May, 1862. The delinquent land and personal lists of 1861 will greatly exceed the lists of 1859 and 1860.] | |
| Amount of cash and Defence Warrants received into the Treasury, on the taxes and licenses of said year, is.....\$253,386 96 | |
| On dram shop licenses of St. Louis, 1861, (McSorley).....9,137 40 | |
| On dram shop licenses of St. Louis, 1861, (Carpenter).....14,157 15 | |
| Foreign insurance licenses of St. Louis, (S. W. Eager).....2,744 00 | |
| Total amt received in 1861, in cash and Defence Warrants.....\$279,425 51 | |
| Number of Defence Warrants issued up to 1st June 1862, is \$720,000 00 | |
| Amount paid into the Treasury up to said date, is.....\$94,265 00 | |
| Returned and collected by Major Sawyer, Paymaster Missouri State Militia.....2,175 00 | |
| Returned and collected by Col. C.C. Marsh, Paymaster Missouri State Militia.....335 00 | |
| Total amt of outstanding Defence Warrants to June 1, 62, \$623,225 00 | |

Total amount.....\$604,220 74
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Returned and collected by Col. C.C. Marsh, Paymaster Missouri State Militia.....335 00
Total amt of outstanding Defence Warrants to June 1, 62, \$623,225 00

BANKING, ILLEGAL—GRUNDY AND SULLIVAN.

AN ACT to suspend the first, second and third sections of an act entitled "An act to prevent illegal banking, and the circulation of depreciated currency paper within this State," approved December 8, 1853.

- § 1. Sections 1, 2, and 3 of a certain act suspended.
- § 2. Release from penalty of all persons who have issued or used bills, checks, tickets, etc., *proviso* concerning release from penalty; no tickets, due bills, etc., to be used after first of May, 1863.
- § 3. Counties to which this act applies.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The first, second and third sections of the above recited act, are hereby suspended until the first day of May, 1863.

§ 2. All persons who have signed and issued, or put in circulation as currency any note, bill, check, ticket, or other instrument of writing, or have offered the same in payment of any debt, are hereby released from any penalty therefor: *provided*, that no more such notes, bills, checks, tickets or other instruments of writing shall be issued or received in payment after the first day of May, 1863, and all such issues then outstanding shall be redeemed on presentation by the parties or persons having issued the same.

§ 3. This act shall only apply to the counties of Grundy and Sullivan.

§ 4. This act to take effect from its passage.

Approved February 25, 1863.

BOUNDARIES—BUTLER AND RIPLEY.

AN ACT to change the boundary line between the counties of Butler and Ripley.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the boundary line between the counties of Butler and Ripley shall be so changed as that part of Butler county, which is on the west side of Little Black river, shall be attached to and made a part of Ripley county.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 18, 1863.

BOUNDARIES—CITY OF FULTON.

AN ACT to change the boundary of the city of Fulton.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That block, No. 6, in D. M. Tucker's second addition to the town of Fulton, which block lies north of Clay street, be, and the same is hereby declared without the corporate limits of said town, and hereafter no assessments or collection of a town or city tax shall be made or collected in said block and improvements thereon.

§ 2. *And be it further enacted*, That all streets or roads by which said block is bounded, shall continue and be used as such until altered or changed by the County Court of Callaway county.

This act to take effect and be in force from and after its passage.

Approved March 17, 1863.

NODAWAY AND WORTH.

AN ACT to define the line between the counties of Nodaway and Worth.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the line dividing sections three and four, nine and ten, fifteen and sixteen, twenty-one and twenty-two, twenty-seven and twenty-eight, thirty-three and thirty-four of Township sixty-five and sixty-six, and sections thirty-three and thirty-four of Township sixty-seven, all in Range thirty-three, West, be, and the same is hereby established, and shall constitute the boundary between the counties of Nodaway and Worth.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 25, 1863.

BRIDGES—HOLT AND ANDREW.

AN ACT to authorize the citizens of the counties of Holt and Andrew to build a free bridge across the Nodaway river, and for other purposes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the citizens of Andrew and Holt counties, be, and they are hereby authorized to build a free bridge across the Nodaway river, at or near Hollister's Mills, in Holt county, and on said river; said bridge to be

JUDGMENTS AND DECREES.

AN ACT amendatory of an act regulating Judgments and Decrees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That section third of an act regulating judgments and decrees, approved December 1st, 1855, is hereby amended so that liens of judgments and decrees now in force, or which may be hereafter rendered, shall be extended and continued for the period of five years from the time of their rendition, subject to be revived at the expiration of five years, as is now provided by law.

This act to take effect from and after its passage.

Approved March 17, 1863.

LUNATIC ASYLUM.

AN ACT to appropriate money for the use of the State Lunatic Asylum, and for other purposes.

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| <p>§ 1. Amount appropriated; how and by whom applied; State Treasurer to pay, how; managers to certify amounts to be paid to Auditor; certificates (requisitions) how signed; same, how often made, and beginning when; same shall not exceed, how much.</p> <p>2. Additional charges allowed against counties sending insane poor; Managers to fix amount; not to exceed a certain sum.</p> | <p>§ 3. Asylum ready to receive patients, Superintendent to give notice when; how notice given; County Courts to be notified of this act.</p> <p>4. Board of Managers, how re-organized.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of twenty thousand dollars, being ten thousand dollars annually, is hereby appropriated out of any money in the Treasury of the State, not otherwise appropriated, for the use of the State Lunatic Asylum, to be applied by the managers thereof, for such current and incidental expenses and purposes as the said managers may deem necessary for the utility of the same, and the welfare of the insane therein; and the Treasurer of the State is directed to pay to the Treasurer of the State Lunatic Asylum, upon the warrant of the Auditor of Public Accounts, such sum or sums of money appropriated by this section, as may be certified to by the managers aforesaid for the purposes aforesaid. Such requisitions on the Auditor shall be signed by at least two of the managers thereof, and shall be made not oftener than quarter yearly, beginning on the first day of May, 1863, and they shall not be at any one time for a larger amount than two thousand five hundred dollars.

§ 2. *And be it further enacted,* That such counties in this State as may send to the Asylum the insane poor under their charge, as provided by existing law, shall be charged; in addition to such charges as are now authorized by law, such further sum for the support and maintenance of their insane poor, as the Board of Managers may deem necessary: *provided,* the amount so charged shall not exceed two and a half dollars per week for each patient.

§ 3. It shall be the duty of the Superintendent, as soon as the Asylum may be ready for the reception of patients, to give notice of the fact by advertisement in at least five weekly newspapers in the State; and he shall likewise notify the several County Courts in the State of the provisions of this act.

§ 4. The Governor shall proceed to reorganize the Board of Managers by appointing men of known loyalty as managers.

This act to take effect and be in force from and after its passage.

Approved March 23, 1863.

MILEAGE.

AN ACT supplemental of an act entitled an act in relation to the mileage of Members of the General Assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The member of the General Assembly from the county of Worth, shall receive sixty-five dollars for mileage at each session of the General Assembly, whether the same be regular, called or adjourned.

This act to take effect and be in force from and after its passage.

Approved January 17, 1863.

MILITIA.

AN ACT to provide the means for the payment and support of the Enrolled Militia forces of the State of Missouri.

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| <p>§ 1. The Governor authorized to issue State Bonds for certain purposes; in what sums bonds to be in all not to exceed a certain amount; bonds by what name known; where payable; when payable and out of what fund; shall be redeemed, when.</p> | <p>2. Bonds, devices of, by whom determined; when and how printed; engraving and printing by whom contracted, and how paid for.</p> <p>3. Bonds to be numbered and registered, when and where; to be signed and countersigned by whom.</p> |
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at the earliest period possible; and the Governor is hereby authorized to contract for the engraving and printing of said bonds at such price or prices,

United States to the State of Missouri, for the purpose of paying the militia forces thereof, or for indemnity for expenses incurred in suppressing the rebellion, or by loan for that purpose; and all taxes, dues, assessments, fines and other liabilities that may be levied, assessed and collected for, or may be due or coming to said State, by virtue of this or any other act for the special purpose of paying the Militia; and this fund shall be and is pledged for the payment and redemption of all the bonds, principal and interest, which may be issued under this act, (and shall be set apart by the Treasurer for that purpose only,) and paid out under its provisions.

§ 10. Each and every person liable to do and perform military service contained within the following classes, shall be exempt from such service during each year on the annual payment of a commutation tax in consideration of such exemption equal to ten dollars each, and one per cent. upon the assessed value of his property. First, all persons who have refused, or who may hereafter refuse, for any cause, to perform military service. The commutation tax, in this section provided, shall be assessed and collected on assessment rolls, to be made out for each county by such military officers as may be assigned to that duty, and such commutation tax shall be collected and paid into the State Treasury as part of said fund, as provided in the next section.

§ 11. These assessment rolls for commutation service shall be completed by taking the assessed value of all taxable property of the persons assessed, from the Assessor's book of the proper county for the year in which any assessment roll may be made out, and the collector for each county shall give and sign a receipt for said roll, at the bottom of a copy thereof, which copy so receipted shall be transmitted to the Auditor of Public Accounts, by said officer, who shall charge such Collector therewith. All such Collectors shall be liable on their official bonds for the amounts of such assessment rolls, and for all military taxes assessed by this or any other act, which they are required to collect, and they shall have the same time to collect in, and the right to make out and perfect delinquent lists and make their settlements, as provided in the General Laws for levying, assessing and collecting the revenue, and shall be liable to the same penalties and receive the same remuneration.

§ 12. There shall be levied, assessed and collected in the same manner as other taxes, a separate and special tax for military purposes, and paid into the Union Military Fund as follows: First, upon all persons liable to pay poll tax by existing laws, the sum of two dollars each; Second, upon all property made taxable by law, the sum of one-fifth of one per cent. upon the assessed value thereof: *provided*, that a bounty is hereby given to each person who may have been, or who hereafter may be discharged from military service of the United States, or of the State of Missouri on account of sickness or wounds received, which bounty shall be the sum of money assessed against such person and against his property, by the provisions of this section.

§ 13. The several collectors in this State shall make out and present to the proper County Court, a list of all persons entitled to bounty, with the several amounts assessed against them, under the provisions of the preceding section, and append thereto their several affidavits affirming the truth of the fact that they are entitled to said bounty, and if approved by the County Court, shall be allowed by the Auditor and credited to the account of such

Collector, and when so allowed by the Court, the Collector shall credit each person on said list with the amount of his bounty.

§ 14. The Governor is hereby authorized and directed to borrow any sum of money not exceeding one million five hundred thousand dollars upon bonds of the State, signed by himself and countersigned by the Secretary of State, with the great seal of the State attached, not having less than one, nor more than three years to run, at seven per cent. interest with coupons attached for the interest, payable semi-annually at Jefferson City, Missouri. Said bonds shall be redeemable at maturity, and the principal and interest shall be paid out of the Military Fund created by this act. The bonds thus issued shall be registered in the Secretary's Office, and the money borrowed thereupon shall be paid out to the Enrolled Militia for active service, as provided in this act. These loans may be obtained from banks or individuals, in Missouri paper, United States Treasury notes made a legal tender, or other current funds, and in case said loan is effected, the bonds in this bill provided shall not be issued.

§ 15. It shall be lawful for any banks, savings institutions or other corporations in this State to invest their means or capital in bonds issued under the first section of this act; to buy, sell or collect the same, and to receive the same from depositors on special deposit or otherwise and to return the same in like manner as received.

§ 16. Any person who shall forge or counterfeit any bond or instrument authorized by this act, shall be guilty of a felony and punished as for forging or counterfeiting any bank bill; and any person who shall receive, pass by delivery, or attempt to pass by delivery, any such forged or counterfeited bond, willfully and knowingly, shall be guilty of a like felony and punished in the same manner.

§ 17. No officer whose appointment is required to be confirmed by the Senate, according to the ordinance of the Convention organizing the Militia, shall receive any pay for his services until his appointment shall have been passed upon by the Senate, if the Legislature has been in session since the appointment of said officer.

§ 18. In any case where any officer or soldier may have died, the amount due him shall be paid to his legal representatives, if there be none, then to his wife or to his heirs of law, or any of them.

§ 19. This act shall take effect and be in force from and after its passage.

Approved March 9, 1863.

AN ACT amendatory of and supplemental to an act entitled "an act to provide the means for the payment and support of the Enrolled Militia forces of the State," approved March 9th, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The tenth section of the above recited act is hereby so amended as

- § 1. Corporate rights modified; *proviso*, stockholders to signify acceptance within a certain time.
2. Stock increased or diminished, or business extended how.
3. Number of Directors may be increased not exceeding five; how done; *proviso*, two-thirds of all shares of stock shall be represented at meeting ordering such increase; stockholders may vote by proxy.

- § 4. This act, when to take effect; acceptance by the stockholders of this act to be in writing; shall be signed by all the stockholders; to be acknowledged before what officer; copies thereof to be filed where; the provisions of a certain act to remain in force except where modified or repealed.
- § 5. What sections of certain acts shall and what shall not apply to said corporation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The corporate rights, powers, and privileges, of the Collier White Lead and Oil Company, a corporation created on the first day of September, A. D. 1851, under the act authorizing the formation of corporations for manufacturing, mining, mechanical, or chemical purposes, approved March 12, A. D. 1849, are hereby modified, and shall henceforth be and continue as hereinafter set forth: *Provided*, that within six months from and after the passage of this act, all the stockholders in said corporation shall signify their acceptance hereof, in manner hereinafter prescribed.

§ 2. In case said company shall hereafter increase or diminish its capital stock, or extend its business to any other manufacturing, mining, mechanical, or chemical operations, under the provisions of sections numbers [numbered] twenty, twenty-one, and twenty-two of said act of March 12, A. D. 1849, a concurrent vote of all the shares of stock represented in person or by proxy, at the meeting held for the purpose of making such increase or diminution of stock, or extension or change of business, shall be necessary to authorize the same to be made, being also not less than two-thirds of all the shares of stock in said company.

§ 3. The number of Directors of said company may be increased to not exceeding five, at any time, by vote of all the shares of stock represented, in person or by proxy, at any meeting of the stockholders: *Provided*, that not less than two-thirds of all the shares of stock shall be so represented thereat; any person entitled to vote as a stockholder at any meeting or election held by the stockholders, may vote in person or by proxy.

§ 4. This act shall take effect whenever all the stockholders in said company, by a written instrument, to be by them respectively subscribed and acknowledged before some officer competent to take the acknowledgment of deeds, shall declare their acceptance of its provisions; and a copy of such instrument, certified by the President and Secretary of said company, shall be deposited with the Clerk of the St. Louis Circuit Court, and also with the Secretary of State, within the time hereinbefore limited for such acceptance; the provisions of the said act of March 12, A. D. 1849, now affecting said company and its existing by-laws, not inconsistent with the laws of the United States, or of this State, remain in force, except as modified or repealed by this act.

§ 5. The thirteenth and eighteenth sections of an act entitled, "an act concerning corporations," shall not apply to this corporation; but the tenth section of an act, entitled "an act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes," shall.

Approved March 23, 1863.

AN ACT to revive an act entitled "an act to incorporate the Ozark Iron Company," approved February 27, 1857.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The company incorporated by the act aforesaid is hereby revived, and continued in force with the privileges and franchises heretofore granted, and the said company is allowed the term of three years to commence operations under said act of incorporation hereby revived, and the powers, privileges and franchises granted, shall continue in force for twenty-five years from the passage of this act, and until repealed by the General Assembly of this State.

This act to take effect from and after its passage.

Approved March 17, 1863.

AN ACT to authorize the Clarksville, Prairieville and Paynesville Plank or Macadamized Road Company to issue tickets.

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| § 1. Company authorized to issue tickets in what amount. | § 3. Warrants (tickets) to be registered and numbered; book for that purpose to be kept by Secretary; said book to be open to inspection at all times. |
| 2. Tickets, how issued and signed; receivable for certain dues; to be redeemed in what funds. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Clarksville, Prairieville, and Paynesville Plank or Macadamized Road Company of Pike county, Missouri, be, and they are hereby authorized to issue the tickets of said road company in denominations of not exceeding two dollars, and not to exceed in the aggregate the sum of fifteen thousand dollars so issued.

§ 2. The said tickets shall be issued under and by the direction of the Directors of said road company, and be signed by the President and Secretary thereof, and the warrants so issued shall be receivable for toll and all other dues, due the said road company, and be redeemed by them in the current funds of the United States or of this State, when presented in the sums of five dollars to the treasurer of said company.

§ 3. The warrants issued by authority of this act, shall be registered and numbered, and a book for that purpose shall be kept by the Secretary of said company, and open to inspection at all times by any person interested therein.

This act to take effect and be in force from and after its passage.

Approved March 17, 1863.

AN ACT to amend an act entitled "an act to incorporate the City Mutual Fire Insurance Company of St. Louis," approved February 7th, 1861.

Be it enacted by the General Assembly of the State of Missouri :

§ 1. That hereafter one-fourth of the Board of Directors of the City Mutual Fire Insurance Company of St. Louis shall constitute a quorum for the transaction of any business of the Company.

§ 2. So much of the act to which this is amendatory as requires a majority of the Board to constitute a quorum is hereby repealed.

This act shall take effect and be in force from and after its passage.

Approved February 9, 1863.

AN ACT to amend an act, entitled "an act to incorporate the Covenant Mutual Life Insurance Company of St. Louis," approved February 24, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Board of Trustees of the Covenant Mutual Life Insurance Company of St. Louis may, in their discretion, organize and establish a capital stock for said Company, not to exceed the sum of one hundred thousand dollars. The said capital stock may be subscribed and paid under such conditions and regulations as the said Trustees may prescribe and when said capital stock shall be secured to the satisfaction of said Trustees, it shall be in lieu of the guarantee fund provided for by the thirteenth section of the act to which this act is amendatory.

This act shall take effect from its passage.

Approved March 17, 1863.

MUNICIPAL.

AN ACT to amend an act entitled "an act for the relief of the city of St. Louis," approved May 13th, 1861.

§ 1. Section three amended ; Comptroller and Treasurer appointed Commissioners in place of whom ; their duties and powers ; authority of old Commissioners to cease when.

2. Former Commissioners to file written statement ; what statement shall show ; same to be sworn to ; same to whom furnished ; at same time certain other papers to be filed where ; plates and other property to be transferred to whom ; statement to be made of cost of same ; for payments made, vouchers to be filed ; warrants in hands of former Commissioners, to whom delivered.

§ 3. Former Commissioners failing to comply with section two, penalty ; amount how recovered.

4. Former Commissioners complying with this act, duty of Auditor and Treasurer ; expenses of plates, printing, &c., when to be paid.

5. Comptroller and Treasurer, when to issue warrants ; their power in reference thereto declared.

6. Warrants mutilated may be re-issued ; further issue of warrants authorized ; amount ; subject to what action.

Be it enacted by the General Assembly of the State of Missouri :

§ 1. Section three of the act entitled an act for the relief of the city of St. Louis aforesaid, approved May 13th, 1861, is hereby amended as follows : The City Comptroller and the City Treasurer are hereby appointed as Commissioners in lieu and in the place of James H. Lucas, Louis C. Garnier, and D. H. Armstrong, to do and perform all the acts and things authorized and required to be done and performed by said Commissioners in said act, and the said Lucas, Garnier and Armstrong shall cease to act as such Commissioners, and their authority to act as such, shall be terminated upon the passage of this act.

§ 2. Within thirty days after the passage of this act, the said Lucas, Garnier and Armstrong shall make out a written statement, each for himself of the amount of City Treasury Warrants provided, and signed and issued by each of them, and the time of the delivery of each issue, and the amount thereof to the Treasurer, which statement shall be sworn to by the person making the same, and shall be furnished to the Comptroller, who shall file the same in his office, the applications upon which such issues were made from the Mayor and Comptroller shall also be filed at the same time in said office, the plates and other property purchased by said Commissioners for the uses and purposes of said issues, shall also at the same time be transferred to the said Comptroller, together with a written statement, sworn to as aforesaid, of the cost and expenses of such plates and property, and of the printing and other work employed in said issues, and if the same have been paid for by the said Commissioners in whole or in part, the vouchers of such payment shall at the same time be furnished and filed with the Comptroller ; City all Treasury Warrants in the possession of said Commissioners, or either of them, at the time of the passage of this act, shall be delivered over to the Comptroller, whether the same be signed or unsigned.

§ 3. A failure on the part of said Commissioners, James H. Lucas, Louis C. Garnier, and D. H. Armstrong to comply with each and every one of the requirements contained in the second section of this act, shall subject them, and each of them to a penalty as follows, to-wit : If such requirements are not fully complied with within the thirty days aforesaid, for each day after the expiration of such time, they and each of them shall be liable to pay to the City of St. Louis the sum of one thousand dollars, recoverable in any Court, having jurisdiction of the same.

§ 4. When said Commissioners have fully complied with the requirements of this act, the Auditor of the City of St. Louis shall audit and allow, and upon his requisition the Treasurer of said city shall pay to said Commissioners the amount of money paid by them for the plates, printing, and other property procured by them for the issuing of said Treasury Warrants, as also a reasonable compensation for clerk hire, if any, according to the provisions of the fifth section of the act to which this act is amendatory.

§ 5. The City Comptroller and City Treasurer of the City of St. Louis, are authorized and required, after thirty days from the passage of this act, to issue the amount of City Treasury Warrants which have not been issued by the said Commissioners, Lucas, Garnier and Armstrong on the day of the passage of this act, and all the powers and authority contained in the act to which this act is amendatory, are hereby conferred upon the City Com-

treasurer and City Treasurer aforesaid, in reference to the issue of said Treasury Warrants.

§ 6. The issue of City Treasury Warrants anew in place of such of the issues as may be returned into the City Treasury, mutilated and worn, is hereby authorized, as also the issue of three hundred thousand dollars of similar warrants, subject to the action of the Common Council.

Approved March 23, 1863.

AN ACT to amend an act to incorporate the City of Ste. Genevieve, approved February 14th, 1849.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all territory of the City of Ste. Genevieve, which lies south of survey No. two hundred and thirteen (213), confirmed to John Ste. Genevieve, Senior, and of survey No. twenty-one (21), confirmed to Joseph Rango's legal representatives, be stricken and excluded from the corporate limits of said city, and that said city have no further jurisdiction over the same, but that the southern boundary line of said city. This act to take effect and be in force from and after its passage.

Approved February 18, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Charter amended so as to authorize

§ 4. Receivable for city dues; how determined.

§ 5. When warrants shall not issue; when this act shall cease.

§ 6. Said city released from penalties under act against illegal banking.

§ 2. Warrants how issued and signed.

§ 3. Duty of City Clerk and Treasurer.

§ 1. The charter of said city is hereby amended so as to authorize the issue in the manner and under the restriction hereinafter contained, of an amount not exceeding fifteen thousand dollars of City Treasury Warrants; said warrants to be in such form and in such denominations, not exceeding two dollars, as may be determined by the City Council of said city.

§ 2. Said warrants shall be issued under the direction of said City Council, and be signed by the Mayor and Treasurer thereof.

§ 3. It shall be the duty of the Clerk of the City Council of said city, upon the signing of said warrants by the Mayor and Treasurer of the same, to charge him with the amount of said warrants, and the Treasurer of said city shall keep a faithful account of all warrants signed by him—their number and denominations.

§ 4. Said warrants when so issued, shall be received in payment of all due due the said city, and be redeemable at all times in the current funds of the United States or this State.

§ 5. This act shall not be so construed as to authorize the said city to issue warrants after the first day of February, A. D. 1865, but at that date, the authority hereby given to said city, shall cease.

§ 6. The said city is hereby released from any penalties she may have incurred under section 2, and section 9, of an act entitled "an act to prevent illegal banking," approved December 8th, 1855.

§ 7. This act to take effect and be in force from and after its passage.

Approved February 18, 1863.

AN ACT to amend an act entitled "an act to incorporate the city of St. Charles," approved March 10th, 1849.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That hereafter at the annual elections for Mayor and Councilmen in the city of St. Charles, there shall also be elected a City Register, City Marshal and City Treasurer, to hold their respective offices for one year, and until their successors are duly elected or appointed and qualified.

§ 2. That so much of sections four, five and seven, of article eight of the above recited act of incorporation as relates to the appointment of City Register, City Marshal and City Treasurer, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved March 4, 1863.

AN ACT in relation to the assessment and collection of taxes in the city of St. Louis, levied for the purposes of the government thereof.

property and no longer. And in all cases where the appraised value of any such property shall be so accepted, the County Court shall cause to be issued to such owner warrants on the County Treasury, payable out of the common fund with six per cent. interest from date, to an amount equal to the appraised value of his property in full consideration therefor, which said warrants shall be made due and payable, one-half in five, and the other half in ten years from the date thereof. The original holders of these warrants shall be allowed to purchase lots with them from the county in the new county seat at any time; and any person may purchase from the county any lots or improvements in the town of Bloomington, with any of said warrants at any time.

§ 6. The County Court of Macon county, from and after the first day of January, 1865, shall levy a special tax from year to year, in the same manner as the county levy is made, and which shall not exceed such county levy, as may be necessary to pay off the warrants issued under this act, and which may be outstanding.

§ 7. The County Court shall, at such times as it may think best, sell off any town lots, improvements and public buildings, which may belong to the county, situated in the town of Bloomington, the proceeds of which shall be used to pay off the warrants issued under this act.

§ 8. If any owner of property in Bloomington shall be unable to convey a clear title to such property to the county within the time limited, such owner shall have three months after such disability shall be removed, in which to file his or her consent and conveyance: *Provided*, that such property shall be then reappraised, if the County Court shall so order.

§ 9. The new county seat, after it shall have been located under this act, shall be laid out so as to make its streets and alleys correspond in location to those of Macon City; and the new county seat by the tract of land, lots, and squares of ground, purchased, given, granted, or donated for that purpose, shall be within the corporate limits of said Macon City, including all intervening tracts of lands or town lots; the new county seat shall hereby become a part of Macon City, subject to the charter thereof, and shall hereafter be known by the general name of "Macon," anything in said charter to the contrary notwithstanding.

§ 10. The act entitled "an act to provide for the organization of counties hereafter established," approved November 20, 1855, so far as the same may be applicable, and not inconsistent with this act, shall be in force and apply to the new county seat of Macon, and the County Court in like manner shall be governed thereby.

§ 11. Dennis C. McKay, Thomas Moody, and A. L. Gilstrap, are hereby appointed Commissioners to locate the new county seat for Macon county, under the provisions of this act.

§ 12. The Branch Bank of the Western Bank of Missouri, located at the town of Bloomington, may be removed by the Directors of said Branch Bank to the town of Macon, in said county of Macon.

This act shall take effect and be in force from and after its passage. Approved March 18, 1863.

AN ACT for the relief of Perry and other counties.

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| § 1. May issue County Treasury Warrants, not exceeding what amount | § 3. Duty of County Clerk respecting said warrants. |
| 2. Warrants how to be drawn, signed and countersigned; denomination of warrants; receivable for county taxes; when redeemable. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The counties of Perry, Cape Girardeau and Ste. Genevieve, are each hereby authorized to issue county treasury warrants to an amount not exceeding ten thousand dollars.

§ 2. Said warrants shall be drawn on the Treasurer, and signed by the presiding Justice of the County Court, and countersigned by the Clerk; may be of the denominations of five cents, ten cents, twenty-five cents, fifty cents, one dollar, two dollars and three dollars; and shall be receivable for county taxes, and redeemable on demand.

§ 3. The County Clerk shall keep a correct list of all warrants issued and delivered to the Treasurer, and charge the same to him.

This act to take effect and be in force from and after its passage.

Approved March 17, 1863.

AN ACT authorizing a temporary change of the place of holding the County Court of Scott County.

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| § 1. County Court may be held at Commerce; records, papers, etc., to be removed there. | § 2. County archives and Clerk's office when to be returned to Benton. |
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WHEREAS, The county of Scott has for many months past, been exposed to the depredations of bands of armed rebels, inasmuch that the County Court has been unable to hold any session, and the county archives have been removed for safety to the military post at Cape Girardeau, so that all county and probate business has been suspended for several months past; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Judges of the County Court of Scott county, are hereby authorized to hold court for county and probate business, at the town of Commerce in said county of Scott, and cause to be removed to said town of Commerce, any and all books, papers, records, seals and furniture, or whatever pertains to the Clerk's office of said court, from the place they are now deposited for safety, and there hold court instead of at the County Seat of said county.

§ 2. The Clerk of said County Court is hereby authorized to keep his

AN ACT to support the Government for the years eighteen hundred and sixty-three, and eighteen hundred and sixty-four.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the following sums in addition to the unexpended balances remaining in the Treasury under the several heads of appropriations be and are hereby appropriated to defray the expenses of Government for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, to be paid out of any money in the Treasury, not otherwise appropriated: For the payment of civil officers, one hundred and fifty thousand dollars; for the payment of county revenue, thirty thousand dollars; for the general contingent fund, eight thousand dollars; for assessing and collecting the revenue, one hundred and five thousand dollars; for printing laws and journals, fifteen thousand dollars, for distributing laws and journals, five hundred dollars; for copying laws and journals, five thousand dollars; for publishing decisions of Supreme Court, five thousand dollars; for militia officers, five hundred dollars; for costs in criminal cases, one hundred thousand dollars; for the pay for the arrest of fugitives from justice, six thousand dollars; for the pay of interest on old State bonds outstanding before the Railroad bonds were issued, on Revenue bonds, bonds held by the various banks of Missouri, under their charters, and the bonds belonging to the School Fund of the State, two hundred thousand dollars; for the contingent expenses of elections, one hundred dollars; for the contingent expenses of Auditor of Public Accounts, seven hundred dollars; for the contingent expenses of State Treasurer, eight hundred dollars; for the contingent expenses of Attorney General, two hundred dollars; for the contingent expenses of Governor and Secretary of State, three thousand dollars; for the contingent expenses of Register of Lands, fifteen hundred dollars; contingent expenses of militia, two hundred dollars; for the contingent expenses of the Supreme Court, four thousand dollars; for taking the census, five thousand dollars.

This act to take effect from and after its passage.

Approved March 11, 1863.

AN ACT appropriating money for the pay of the present General Assembly and the contingent expenses connected therewith.

Be it enacted by the General Assembly of the State of Missouri:

§ 1. The sum of one hundred thousand dollars is hereby appropriated for the pay of the present General Assembly of the State of Missouri, and the sum of forty-five thousand dollars is in addition hereby appropriated for the payment of the contingent expenses connected therewith, both amount payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved January 30, 1863.

AN ACT to pay the debts of the Missouri Penitentiary, and restore the credit thereof.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sum of ten thousand dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated for the payment of the debts due and owing by the Missouri Penitentiary up to, and including the 27th day of August, 1861.

§ 2. Whenever any of said debts shall be presented to the Auditor, certified by the Factor and Clerk to be correct, the Auditor shall draw his warrant on the Treasurer for the amount due the creditor, payable out of the appropriation provided by the first section of this act.

This act shall take effect from its passage.

Approved March 21, 1863.

BANKS.

AN ACT repealing the ninth section of an act to prevent illegal banking and the circulation of depreciated paper currency within this State, approved December 8, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. So much of the ninth section of an act entitled an act to prevent illegal banking and the circulation of depreciated paper currency within this State, approved December 8, 1855, as is contained in the following words, to wit: "and the fact of the forfeiture or any violation, or evasion of this act, or any part thereof, may be pleaded in bar to any suit brought by them, and if denied, the trial of the question of such forfeiture, violation or evasion, shall be adjourned under the direction of the Court, and change of venue awarded upon the application of the defendant, to some county, in which such corporation is not situate," shall be and the same is hereby repealed.

This act shall take effect and be in force from and after its passage.

Approved March 23, 1863.

AN ACT for the relief of the Merchants' Bank of St. Louis.

§ 1. Brunswick Branch; capital of fixed; parent bank authorized to receive back certain stock furnished by it; memorial of parent bank; recitals concerning branch at Osceola.

2. Parent bank may settle up the business of branch at Osceola.

§ 3. Parent bank relieved from certain conditions, suspension of branch; parent bank relieved from consequences of; shall pay debts of said branch and recover the capital thereof, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The capital of the Brunswick Branch of the Merchants' Bank of St. Louis, is hereby declared and fixed at the sum of two hundred thousand dollars, and the parent Merchants' Bank of St. Louis, is authorized to receive from said branch the sum of sixty-seven thousand seven hundred dollars of the capital stock furnished by the said parent bank to the said branch ; *and whereas*, it appears by the memorial of the said Merchants' Bank of St. Louis, and the copy of the proceedings of the Directors of the Osceola branch of said bank, that the President and Directors of the said Osceola branch did on the 30th September, and at divers other days and times between the 30th September, 1861, and the 14th November, 1861, inclusive of that day, squander, waste, and misapply the coin and assets of said branch bank, and did permit divers debtors of said branch bank, to convey to the said branch bank, in pretended satisfaction of their debts to the same, a great quantity of land, amounting to many thousands of acres of land, at prices greatly exceeding the cash value thereof, the aggregate of which, at the estimate placed upon them by the said Board of Directors, exceeds the sum of one hundred and seventy thousand dollars ; *and whereas*, the books of said branch bank have been destroyed, the Directors dispersed, and the continuance of the banking business at Osceola rendered impossible, by the actual condition of affairs : *Therefore, be it further enacted, by the General Assembly of the State of Missouri, as follows :*

§ 2. The Merchants' Bank of St. Louis, is hereby authorized to settle and adjust the business of the said branch at Osceola, paying the debts of said branch at that place, redeeming its notes and obligations, and collecting its debts.

§ 3. The said Merchants' Bank of St. Louis, is relieved from the condition of establishing and maintaining in future, a branch at Osceola, and it is further relieved from the consequences, if any, of the suspension of the business of said branch at that place, by reason of the civil commotions occurring in St. Clair county, since the month of June, 1861 : *provided*, that nothing in this act contained shall exempt the said Merchants' Bank of St. Louis, from the obligation of paying and discharging every debt contracted by said branch bank ; *and provided further*, that it shall be the duty of the said Merchants' Bank of St. Louis, to take all measures necessary and proper for the recovery of the capital of the said branch bank, the enforcement of the liabilities of the debtors thereof, and for testing the validity of any pre-tended settlement made with any of said debtors by the Board of Directors.

§ 4. This act shall take effect from and after its passage.
Approved March 23, 1863.

AN ACT for the benefit of the Union Bank of Missouri.

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| <p>§ 1. Branch at Warrensburg; parent Bank may take possession of and collect debts due to it.</p> <p>§ 2. Books, papers and assets of said branch, may be removed.</p> | <p>§ 3. Provisions of laws in conflict with this act repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri :

§ 1. That the Union Bank of Missouri, at St. Louis, be, and is hereby authorized and empowered to take possession of the books, papers and assets of every description belonging to, or in anywise appertaining to the branch of said Union Bank, established in the town of Warrensburg, Johnson county, and to adjust, settle, collect, receive and receipt for any and all debts due, or to become due to, or at said branch.

§ 2. *Be it further enacted*, that the said Union Bank of Missouri, is hereby further authorized and empowered to remove all or any of the books, papers, and assets of the said branch at Warrensburg, to the Parent Bank in the city of St. Louis, until such time as it shall be desirable and prudent to re-open and resume the business of the said Warrensburg Branch.

§ 3. That the provisions of any statute of this State in conflict with this act is [are] hereby repealed.

This act to take effect and be in force from and after its passage.

Approved March 23, 1863.

AN ACT in relation to the Exchange Bank of St. Louis.

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| <p>§ 1. May receive and pay out certain notes ; relieved from forfeiture upon certain conditions.</p> | <p>§ 2. Branches of, may be wound up ; how this shall be done ; directors of Parent Bank shall proceed to wind up ; when.</p> <p>3. Acts conflicting herewith, repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Exchange Bank of St. Louis, and its branches, are hereby authorized to receive and pay out legal tender notes and postal currency of the United States, and bank notes issued by authority of the United States ; and having heretofore received, or paid out such notes shall not work a forfeiture of the charter of said bank : *provided, however*, that said bank and its branches shall continue at all times to redeem its own issues in coin, and to pay out coin in cases where the same shall have been deposited.

§ 2. It shall be lawful for two-thirds of the stockholders, in interest of either branch of said bank, after notice given in some newspaper printed in the county where such branch bank is located, at least thirty days before the day of meeting, signed by the President of said branch bank, and stating the time, place and objects of the meeting to provide for winding up such branch bank, by consolidating the capital thereof into that of the Parent Bank, or by receiving in full payment for their stock *pro rata*, the assets of said branch bank. And if two-thirds of the stockholders, in interest, voting in person, or by proxy, shall decide in favor of either course, the Parent Bank Board of Directors may proceed to wind up said branch bank accordingly.

§ 3. All acts conflicting with this act, are hereby repealed, so far as the same apply to the Exchange Bank.
This act to be in force from and after its passage.
Approved March 21, 1863.

AN ACT Concerning Banks and the Bank Commissioner.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Bank Commissioner shall take no action against any bank in this State on account of any forfeiture of its charter, or for any other cause until the twentieth of November next.

This act to take effect from and after its passage.
Approved March 23, 1863.

BIRTHS—REGISTRATION.

AN ACT to provide for the Registering of Births.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the respective Recorders of Deeds in each county of this State shall procure and keep in their offices a record-book or books, to be kept and arranged as now required by law for the record of deeds, with an appropriate index for the registry of births.

§ 2. That the respective Recorders shall register all births which he is requested to register, and such registry shall contain (when furnished) the name, profession and domicile of the father, and the maiden name of the mother; the name, sex and date of the birth of the child; and for such service the Recorder shall charge twenty-five cents as a fee.

§ 3. This act shall go into force and effect on the first day of May next.

Approved March 21, 1863.

BONDS—STATE.

AN ACT to authorize the issue of certain duplicate bonds of the State of Missouri.

§ 1. Duplicate of certain State bonds to be issued; to whom delivered; duplicates to be of like number, &c., of original bonds; coupons to be attached.

§ 2. Bonds how issued.
§ 3. When issued shall be endorsed; form of endorsement.

WHEREAS, Bacon and Hyde, composed of Sherman J. Bacon and Samuel T. Hyde, merchants in the city of New York, were on the twenty-sixth day of January, 1862, the absolute owners of the following described bonds of the State of Missouri, of one thousand dollars each, viz: (6) six bonds of the State of Missouri issued for State purposes, being Nos. 11, 18, 52, 101, 112, and 134; (22) twenty-two bonds of the State of Missouri, issued to the Hannibal and St. Joseph Railroad Company, Nos. 27, 393, 661, 674, 675, 689, 691, 700, 701, 869, 958, 1012, 1076, 1149, 1203, 1344, 1368, 1395, 1683, 2131, 2139, 2140; also, (44) forty-four bonds of the State of Missouri, issued to the Pacific Railroad Company, being Nos. 438, 447, 493, 601, 703, 1017, 1027, 1107, 1114, 1141, 1275, 1517, 1631, 1638, 1642, 2042, 2043, 2053, 2112, 2352, 2415, 2455, 2587, 2635, 2708, 2910, 8855, 4161, 4276, 4474, 4674, 5322, 5610, 6111, 5684, 5685, 5690, 5698, 5699, 5700, 5928, 5935, 6922, 6950, and upon which the coupons maturing on the first day of January, 1861, were paid. Also the coupons on the twenty-two bonds issued to the Hannibal and St. Joseph Railroad, maturing on the first day of July, 1861, were paid—that all of said bonds, with the unpaid coupons attached, were on the said 26th day of January, 1862, totally destroyed by fire with the contents of the safe of said Bacon and Hyde, in which said bonds were deposited, at the burning of the building, known as the Fulton bank building, on the corner of Fulton and Pearl streets, in the city of New York; and whereas, satisfactory proof of said loss has been made, therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Governor is hereby authorized to issue and deliver to Bacon and Hyde, a firm composed of Sherman J. Bacon and Samuel T. Hyde, merchants of the city of New York, duplicates of the following described bonds of the State of Missouri, of like number, date and amount as the original bonds, which have been destroyed, viz: (6) six bonds of the State of Missouri issued for State purposes, Nos. 11, 18, 52, 101, 112, 134, with semi-annual coupons attached from the first day of July, 1861, to the maturity of said bonds inclusive; (22) twenty-two bonds of the State of Missouri, issued to the Hannibal and St. Joseph Railroad Company, Nos. 27, 393, 661, 674, 675, 689, 691, 700, 701, 869, 958, 1012, 1076, 1149, 1203, 1344, 1368, 1395, 1683, 2131, 2139, 2140, with semi-annual coupons attached from the first of January, 1862, to the maturity of said bonds inclusive; (44) forty-four bonds of the State of Missouri issued to the Pacific Railroad Company, Nos. 438, 447, 493, 601, 703, 1017, 1027, 1107, 1114, 1141, 1275, 1517, 1631, 1638, 1642, 2042, 2043, 2053, 2112, 2352, 2415, 2455, 2587, 2635,

UNITED STATES LEGAL TENDER NOTES, &C.

AN ACT to make United States Legal Tender Notes and Postage currency receivable for taxes and for redemption from tax sales.

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| § 1. Collectors to receive legal tender notes &c., for taxes now due; postage currency, amount to be received, restricted. | § 2. Real estate sold for taxes, may be redeemed with like funds. |
| | 3. Laws conflicting, suspended until when. |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That from and after the passage of this act, it shall be the duty of Collectors of State, County and School taxes and of all taxes levied by any law of this State, to receive at par, United States Legal Tender Treasury Notes and postage currency, when the same are tendered for all taxes now due; the said postage currency being not receivable in greater sums than five dollars.

§ 2. That all real estate heretofore sold, or hereafter to be sold, for such taxes, may be redeemed in the manner now provided by law, with said treasury notes and postage currency.

§ 3. That all laws and parts of laws in conflict with this act, be and the same are hereby suspended till the first day of January, A. D. 1865.

§ 4. This act shall be in force from and after its passage.

Approved March 21, 1863.

LOCAL LAWS.

ADMINISTRATION—BOONE.

AN ACT to authorize the administrator of the estate of Robert Cochran, deceased, late of Boone county, to invest certain money in his hands in real estate.

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| § 1. Administrator authorized to invest money in real estate when; conveyances to be made to heirs; real estate to be accepted in lieu of money. | § 2. Administrator to make report when; what report shall show; same to be approved by the Court; administrator to be credited with money so invested. |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That William Cochran, administrator of the estate of Robert Cochran, deceased, late of Boone county, be and he is hereby authorized, after first obtaining the consent and approbation of the County Court of said county, to invest in real estate in Missouri, for the legal heirs of said Robert Cochran, deceased, all or any part of the money in his hands, or which may hereafter come to his hands, as such administrator, to which said heirs are now or may hereafter be entitled as such, and shall cause conveyances to be made to said heirs for the real estate so purchased, which shall be accepted by them in lieu of the amount of money paid for the same.

§ 2. That said William Cochran shall, within ninety days after making any purchase of real estate for the heirs of said Robert Cochran, deceased, as provided in the preceding section, make a written report of the facts to the County Court, describing the lands purchased, and stating the price paid therefor, which shall be filed with papers of the estate of said deceased, and if the Court be satisfied that the report is correct, it shall approve the same, and said William Cochran shall have credit on his settlement with the Court for the amount of money invested by him in real estate under the provisions of this act.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 21, 1863.

and such other matters, including State industrial and economical statistics as may be supposed useful, one copy of which shall be transmitted by mail, free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior. Fifth, When lands shall be selected from those which have been raised to double the minimum price in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionably diminished. Sixth, No State while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this act. Seventh, No State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

"§ 6. *And be it further enacted*, That land scrip issued under the provisions of this act, shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

"§ 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act, as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, Their maximum compensation shall not be thereby increased.

"§ 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act, shall be required to report annually to Congress all sales made of such scrip, until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds, approved July 2, 1862."

And, WHEREAS, It is provided in the seventh condition under the fifth section of said above recited act, that "no State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President," July 2, 1862. Now, therefore,

Be it resolved by the General Assembly of the State of Missouri, That the said act of the Congress of the United States is assented to and accepted by the State of Missouri, with all the conditions, restrictions, and limitations therein contained; and the faith of the State of Missouri is hereby pledged to the faithful performance of the trust thereby created.

Approved March 17, 1863.

JOINT RESOLUTION instructing the Auditor of Public Accounts.

Resolved by the General Assembly of the State of Missouri, That the Auditor of Public Accounts be and he is hereby directed not to draw his warrant on the Treasurer for any purpose contemplated by an act of the

Legislature entitled "an act authorizing the sale of certain lands and town lots forfeited to the State for taxes," approved March 15, 1861, until further instructions from the General Assembly.

Approved January 26, 1863.

JOINT RESOLUTION approving report of Committee to examine Auditor's and Treasurer's offices, and directing them to burn wolf-scalp certificates in the Treasury, &c.

1st. Resolved, By the House of Representatives, the Senate concurring therein, That the report of the Committee to examine the offices of Auditor of Public Accounts and State Treasurer be approved, and that said Committee be hereby directed to burn the wolf-scalp certificates counted by them in the Treasury, and cause the vouchers examined by them to be canceled, and the proper entries to be made in the books of said offices.

2nd. That the Governor is hereby authorized and required to appoint a committee of three to settle with A. W. Morrison, late Treasurer of this State, and report to the next session of this General Assembly, and also the result to the Auditor and Attorney General, and if such examination shall show that the State is indebted to said Morrison, the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer in favor of said Morrison for such amount as the report of said committee shall show is due him, payable out of any money in the Treasury not otherwise appropriated. The Committee shall receive the same compensation as members of the General Assembly, and their accounts shall be audited and paid in the same manner.

Approved February 18, 1863.

JOINT RESOLUTIONS.

Be it resolved by the General Assembly of the State of Missouri, as follows:

That the Secretary of State and the Auditor of Public Accounts shall be entitled to a reasonable compensation, not exceeding five hundred dollars for signing, numbering, and registering the Union Military Bonds, authorized to be issued under the act passed for the payment of the Enrolled Militia of the State, said accounts to be allowed and approved by the Governor, and paid out of the appropriation provided for in said act.

Resolved, That the Auditor and Secretary of State are hereby empow-

ered to authorize the Chief Clerks in their said offices to sign the names of said Secretary and Auditor to said bonds, to facilitate the early and speedy issue thereof.

Approved March 21, 1863.

JOINT RESOLUTION in response to certain resolutions of the Legislature of the State of Delaware.

WHEREAS, The Legislature of the State of Delaware has transmitted to his Excellency, H. R. Gamble, Governor of this State, a series of resolutions, wherein are contained grave errors in principle, and in our opinion, if entertained favorably by the respective loyal States, would prove destructive of the last hope of the reconstruction of the Federal Union, and go far towards sustaining the idea of our incapacity for self-government; and whereas, The comity between sister States requires at our hands a response to said resolutions, therefore,

Resolved by the General Assembly of the State of Missouri, as follows:

1st. That we heartily endorse the logical, dignified and appropriate message of his Excellency, H. R. Gamble, to this Legislature, in relation to and accompanying the said resolutions of the Legislature of the State of Delaware, and that we do hereby accept and adopt the same as a suitable response to said resolutions.

2nd. That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions, together with his said message, to the Governor of the State of Delaware, with the request that the same be laid before the Legislature thereof, to the President of the United States, and to our Senators and Representatives in Congress.

Approved March 18th, 1863.

JOINT RESOLUTION.

Resolved, the Senate concurring therein:

That the Committee on Internal Improvements of this House, co-operate with the Committee of Internal Improvements of the other House, in the preparation of a memorial to the Congress of the United States, urging the early completion of the Southwest Branch of the Pacific Railroad as a

means of transportation of troops and military stores, for the better protection of the interests of the General Government, and the integrity of Missouri as a member of the Union.

Approved March 17, 1863.

JOINT RESOLUTION in reference to the establishment of a Navy Yard at the city of St. Louis or Carondelet.

WHEREAS, It is in contemplation of law, by virtue of an act of Congress, that a Navy Yard be established in the West, either on the Ohio or Upper Mississippi rivers; and the selection of the site thereof be left with the President of the United States; and whereas, within the limits of the city of St. Louis is situated property belonging to the General Government, peculiarly fitted for the purpose of a Navy Yard, without cost for said land, and said city is otherwise qualified, from its abundance of labor and material, and the possession of a harbor eminently suitable naturally, and with the aid of scientific skill to furnish the requisites for the establishment of a Navy Yard thereat; therefore,

Be it resolved by the General Assembly of the State of Missouri, as follows:

That the President of the United States be and he is hereby respectfully solicited to inquire into the peculiar fitness of the city and harbor of St. Louis or Carondelet, as an appropriate location for the establishment of a Navy Yard in the West, to the end that the same may be established at St. Louis.

Approved March 21, 1863.

JOINT RESOLUTION.

Resolved by the General Assembly of the State of Missouri: That the Inspectors of the Penitentiary be and are hereby authorized to employ a competent clerk or clerks, to examine the books and accounts of that institution during the term of W. A. Curry as Factor; and that said Inspectors be and are hereby authorized to settle with said W. A. Curry, and report to the General Assembly the result of said settlement. The expenses incurred under this resolution shall be allowed by the Auditor on presentation of account, certified by the Inspectors.

Approved March 4, 1863.

Billman's Record at the Kansas State Convention

1862. Passed in Convention, June 13th, A. D.

ALFRED WELCH,

Vice President of Convention.

Saml. A. Lowe,

Secretary of Convention.

AN ORDINARY APPROPRIATING MONEY

FOR THE CARE OF THE SICK AND WOUNDED SOLDIERS OF MISSOURI.

Be it ordained by the People of Missouri in Convention assembled as follows:

1. That the sum of fifty thousand dollars,

in Defense Warrants, be and the same be

hereby appropriated to provide for the care

of the sick and wounded soldiers of Mis-

souri, to be expended under the direction

of the Governor of the State.

Passed in Convention, June 13, 1862.

ALFRED WELCH,

Vice President of Convention.

Saml. A. Lowe,

Secretary of Convention.

SECTIONS AND OTHER OFFICERS.

Be it ordained by the People of the State of Missouri in Convention assembled as fol-

lows, to wit:

Section 1. All persons holding office in

this State, to fill which an election would

have been held, under previously existing

laws, on the first Monday in August, 1862,

(except County Assessors, shall continue to

hold their offices, and perform the duties,

except the powers, and be subject to all

the responsibilities thereof, until their suc-

cessors are elected or appointed and qual-

ified: Provided, that the office of County

Assessor in each county wherein an election

for such office would have been held under

previously existing laws, on the first Mon-

day in August next, shall be filled by ap-

pointment by the County Court, within

such time, and in such manner, after that

day, as now prescribed by law in case of

failure to elect County Assessors; and in

case the County Court shall fail within

twenty days to make such appointment, the

continue in office until the general election

in the year eighteen hundred and sixty-

four, and until their successors shall be

elected and qualified.

1862. Passed in Convention the 13th of June,

ALFRED WELCH,

Vice President.

ATTEST: Saml. A. Lowe,

Secretary of Convention.

AN ORDINANCE IN RELATION TO VOTING

IN CERTAIN COUNTIES.

Be it ordained by the People of the State of

Missouri in Convention assembled as fol-

lows, to wit:

Section 1. In any county where there is

a County Court, or where such County falls

into two or more counties, and in coun-

ties where there is no County Court, or

such Clerk fails to cause poll books to be

delivered to the judges of election before

the day of the election, any person may

prepare the poll books for any or all of the

townships in such county, and a majority

of the qualified voters present at the time

be at the same place, as near as may be, as

the elections were authorized to be for

members of this Convention, shall choose

judges of the election; and in case no offi-

cer is present authorized to administer the

oath of office to such judges, one of the per-

sons so chosen may administer the oath

required by law to such judges, one of

whom, after being so sworn, shall adminis-

ter the oath to the judge by whom he was

sworn.

Sec. 2. Such judges of election shall ap-

point two clerks, and shall have all the

powers and perform all the duties of judges

of election under existing laws, and shall

return the poll books to the County Court

in the time and manner required by the

next section.

Sec. 3. On the first Saturday after the

election, one of the judges of election from

each township in such county shall repair

to the County Court, and organize a Board

composed of such judges, and said Board,

when so organized, shall proceed to cast up

the votes given in such election, certify

the same to the Governor. And

the same shall be made by the Governor. And

the same shall be made by the Governor. And

the same shall be made by the Governor. And

the same shall be made by the Governor. And

the same shall be made by the Governor. And

7/1/63

STATE CONVENTION ORDINANCES,

ADOPTED AT THE LATE SESSION.

APPROPRIATION OF MONEY.

AN ORDINANCE TO DEFRAY THE EXPENSES OF THE CONVENTION.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows, to-wit:

That the sum of fourteen thousand dollars be and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pay and mileage of members and officers of this Convention, and to defray the contingent expenses thereof.

Adopted June 23, 1863.

ELECTION OF JUDGES.

AN ORDINANCE TO CHANGE THE TIME OF HOLDING ELECTIONS FOR SUPREME AND CIRCUIT COURT JUDGES.

Be it ordained by the People of Missouri in Convention assembled, as follows:

Section 1. That so much of the sixth and seventh articles of the amendments to the Constitution of this State, ratified at the session of the Legislature of 1850 and 1851, as provides that the elections of Supreme and Circuit Court Judges shall be held on the first Monday in August, A. D. eighteen hundred and fifty-one, and on the first Monday in August every six years thereafter, is hereby abolished.

Sec. 2. The first general election for Supreme and Circuit Court Judges hereafter to be held under said amendments to the Constitution shall be on the Tuesday next after the first Monday in November, A. D. eighteen hundred and sixty-three, and on the first Tuesday next after the first Monday in November every six years thereafter, any

law, constitution or ordinance of this Convention to the contrary notwithstanding.

Sec. 3. Whatever election of judges or clerks of courts and other officers may now be fixed by law, or by order of any court, for the first Monday of August, eighteen hundred and sixty-three, shall be held on the Tuesday next after the first Monday of November, eighteen hundred and sixty-three.

Adopted June 26, 1863.

APPOINTING JUDGE TO FILL VACANCY.

AN ORDINANCE TO PROVIDE FOR SUPPLYING THE VACANCY EXISTING IN THE OFFICE OF JUDGE OF THE FOURTEENTH JUDICIAL CIRCUIT.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. The Governor shall appoint a judge for the Fourteenth Judicial Circuit, to supply the vacancy now existing, which judge shall hold his office until Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-three, and until his successor is duly elected and qualified.

Adopted June 27, 1863.

PAYMENT OF ENROLLED MILITIA.

AN ORDINANCE CONCERNING THE PAYMENT OF THE ENROLLED MILITIA.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. Every paymaster, when paying the militia who have been in active service under orders regularly issued, shall write

his name and his style of office upon each and every warrant or Union military bond which he shall pay out, and no delinquent or traitor or military bond shall be redeemed or received by the State without such endorsement.

Sec. 2. This ordinance shall take effect from its passage [adoption].

Adopted July 1, 1863.

EMANCIPATION OF SLAVES.

AN ORDINANCE TO PROVIDE FOR CERTAIN MEASURES FOR EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled:

Section 1. The first and second clauses of the twenty-sixth section of the third article of the Constitution are hereby abrogated.

Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the fourth day of July, eighteen hundred and seventy; and all slaves within the State at that day are hereby declared to be free: *Provided,*

however, that all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their late owners, representatives and assigns, to servants, during the following periods, to-wit: those over forty years of age, for and during their lives; those under twelve years of age, until they arrive at the age of twenty-three years; and those of all other ages, until the fourth day of July, eighteen hundred and seventy-six. The persons, or their legal representatives, who, up to the moment of emancipation, were the owners of the slaves thereby freed, shall, during the period for which the services of such freed men are reserved to them, have the same authority and control over the said freed men, for the purpose of securing the possession and services of the same, that are now held absolutely by the master in respect of his slave: *Provided, however,* that after the said fourth day of July, eighteen hundred and seventy, no person so held to service shall be sold to a nonresident of, or removed from, the State of Missouri, by the

Office Secretary or State,
City of Jefferson, Mo. }

I, Monteeal Oliver, Secretary of State of the State of Missouri, hereby certify that the above and foregoing are full, true and correct copies of ordinances adopted by the Missouri State Convention at its last session, entitled and adopted as follows: "An ordinance to defray the expense of the Convention;" adopted June 25, 1863; "An ordinance to change the time of holding elections for Supreme and Circuit Court Judges, adopted June 25, 1863; "An ordinance to provide for supplying the vacancy existing in the office of Judge of the Fourteenth Judicial Circuit;" adopted June 27, 1863; "An ordinance concerning the payment of the Enrolled Militia;" adopted July 1, 1863; and "An ordinance to provide for certain amendments to the Constitution, and for emancipation of slaves;" adopted July 1, 1863, as fully as the same appears from the originals of said ordinances, signed by the President and countersigned by the Secretary of said Convention, and now on file in this office.

In witness whereof, I have hereunto set my hand and affixed the seal of office.

Done at office in the City of Jefferson, this 10th day of July, 1863.

M. OLIVER,
Secretary of State.

BANKS.

AN ACT authorizing the liquidation of the Branch Banks of this State.

- § 1. How branch banks may be wound up; § 5. Branch banks entitled to certain earnings.
- Stockholders to meet; when and where to meet; notice of meeting; proceedings of meeting.
2. Administrators, guardians, &c. may vote.
3. Trustee to be elected, when; duties of trustee; claims to be presented in certain time or be barred.
4. Assets, how disposed of; notes and debts to be renewed from time to time, on payment of ten per cent. of original; time of renewal.
6. Trustee may sell real estate and State bonds of the branch banks and make deeds to same.
7. Effect of act takes place, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any branch bank may be put into liquidation and its business wound up in the following manner: the stockholders of any branch bank, or a majority in interest of them may meet, in person or by proxy, at their banking house on the first Monday in May, or as soon thereafter as convenient, not exceeding one year from the passage of this act, first giving notice by publication for at least two weeks in some newspaper published in the town in which said branch bank is located, or nearest to said town, which notice shall be signed by the President and Cashier, or any two stockholders of said branch bank, and when assembled they shall determine whether they will assent to this act; and if a majority in interest of those present shall approve and assent to the same the President and Cashier shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act, and send a duplicate of such certificate to the parent bank of the branch bank.

§ 2. For the purpose of voting on the proposition of approval or rejection of this act, administrators, executors, curators, guardians and trustees shall have the right to vote, in person or by proxy, the shares of the person or persons whom they represent.

§ 3. Immediately after accepting and approving this act the stockholders so voting shall elect a trustee, who shall, without delay, give bond and security to the State of Missouri for the faithful discharge of the trust, to be approved by the board of directors of said branch bank, which bond shall be placed in the custody of the Secretary of State, and said trustee shall then take possession of all the assets of said branch bank, and for the purpose of liquidation, set apart an amount equal to the outstanding debts and liabilities of said branch bank, and give notice in some newspaper published in the city of St. Louis, for at least sixty days, of such action, and if such debts and liabilities be not presented for payment in three years thereafter they shall be forever barred.

§ 4. After setting aside an amount sufficient to pay off and discharge all the debts and liabilities as aforesaid, and deducting a reasonable compensation for his services in the execution of this trust, the trustee shall divide the remainder of the assets among the stockholders, *pro rata*, according to the number of shares held by each, as often as \$20,000 are collected or realized, until all be distributed; *provided*, that in order to afford

relief to debtors, the trustee shall renew and extend the time of payment of debts to said branch bank upon the payment by said debtors of ten per cent. of the original amount due by them at each renewal or extension, when said debtors shall fully secure the ultimate payment thereof, and each renewal or extension shall be for not less than ninety days.

§ 5. Any branch bank accepting the provisions of this act shall be entitled to the full amount of the surplus earnings which it may have paid over to the parent bank, after deducting the amount of all dividends that may have been distributed among the stockholders of said branch bank.

§ 6. The trustee is authorized to sell and dispose of the real estate and State bonds of said branch bank, and make a deed or deeds for same to the purchaser or purchasers.

§ 7. This act to take effect and be in force from and after its passage. Approved November 19, 1863.

BANKS.

AN ACT to enable the Banks and Branch Banks in this State to wind up their business and organize under the law of Congress to furnish a national currency.

- § 1. Any bank and branches may call a meeting; how meeting called; proceedings at such meeting; notice, how given.
2. Two-thirds vote necessary to wind up the business of the bank; period allowed to close up affairs; notes to be renewed.
3. Number of directors to be reduced to seven in parent bank, and five in branch bank; parent bank to appoint two of the five.
4. When regular banking business of bank in liquidation to cease; not beyond first of July, 1864; in certain cases allowed until first of January, 1865.
5. How capital stock may be reduced; bank, while closing up, to keep an office or place of business; cashier and directors to be kept; business of closing up affairs may be transferred to certain other banks; notice of such transfer to be given; directors may resume the closing up of business themselves.
6. Directors and officers of banks in liquidation may serve in other banks and associations.
7. Notice to be given when bank goes into liquidation; what notice shall contain; notes not presented in certain time to be barred; banks not relieved from liability of penalties for failing to redeem its issue.
8. Rate of exchange may be charged on time bills payable out of this State.
9. Banks organized under this act deemed to have surrendered their charters.
10. Duty of Bank Commissioner when banks are organized under this act.
11. The certificate of the Comptroller of the Currency to be evidence of what; this act a public act.
12. Provisions of this act not to apply to Bank of Missouri until certain things are done.
13. Savings associations, etc., may avail themselves of this act.
14. Certain section of certain law repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any bank in this State, with the branches of said bank, may, by their President of the parent bank, call a meeting of its stockholders at any time by public notice or notice in writing to each stockholder twenty days before such meeting, and vote upon a proposition to wind up its af-

fares; said voting to be at the several banking houses of such banks and branches, and be superintended by at least three stockholders of the bank and each of the branches; and stockholders shall vote as now fixed by law for the election of directors. The notice required shall be published in all the newspapers published in the towns or cities where such bank and branch banks are situated, unless the President of the parent bank prefers to give notice in writing to each stockholder.

§ 2. If two-thirds in interest of those who shall vote on the day fixed shall be in favor of winding up, then any such bank and its branches shall be considered in liquidation, but, nevertheless, shall have the period of seven years in which to close up its affairs, and the directors and their successors are hereby authorized to renew notes and bills due it from time to time, in order to secure their ultimate payment and afford relief to its debtors.

§ 3. The directors of the parent bank so voting to wind up shall reduce their number to seven, and the number of directors in each of their branches to five, two of the five in each bank to be appointed by the parent bank and three in each branch to be elected by the stockholders of such branch or branches.

§ 4. The ordinary and regular business of banking, that is to say, of receiving deposits, discounting notes or bills, buying and selling exchange and making collections, of [by] any bank, with the branches of such bank that determine to wind up under the provisions of this act, shall cease in all places so soon as a bank or banks organized under the law of Congress providing for a "national currency based upon a pledge of public stocks" is ready to do a banking business in the town or city in which such bank or branch bank is situated: but the privilege of doing a banking business other than by receiving notes and bills due it as provided in section two of this act, and as is hereafter provided in this act, shall not extend beyond the first day of July, 1864, to such bank and its branches as elect to wind up their affairs on or before the first day of March, 1864, nor to any bank or branches thereof who elect to wind up under the provisions of this act after July 1, 1864, longer than January 1, 1865.

§ 5. Any bank, with branches of such bank, so voting to wind up under the provisions of this act may reduce its capital stock by receiving the shares thereof in payment of debts due said bank and branches, and otherwise, and every such bank shall, during the whole period of seven years, if so long in closing up its affairs, keep an office, or place of business in the city or town in which said bank and branch bank is [are] located, for the purpose of transacting its [their] business, and shall keep and maintain a cashier and directors, as provided in section three; but the board of directors of any such bank or branch thereof may transfer the winding up and management of their business to any board of directors of any bank established under the act of Congress aforesaid in the town or city where such bank or branch bank is located; and when so transferred, public notice thereof shall be given in one or more newspapers of the State, one of which shall be published in the city of St. Louis; and thereafter the said National Bank shall be the place of business of such bank or branch bank. *Provided, however,* That the directors of any such bank or branch bank may resume the business of closing up their affairs; and when so resumed, another place of business shall be provided and kept, and directors be chosen as provided in section three of this act and in the original act chartering the banks of this State.

§ 6. Any director or officer of any bank or branch bank voting to wind up under the provisions of this act shall, immediately thereafter, be eligible to hold the place of director or other officer of any "National Bank," "Savings Institution" or "Savings Association," established, or that may be established, in the town or city in which such bank or branch bank is located, any law of this State to the contrary notwithstanding.

§ 7. The President of the parent bank and the President of any branch of such parent bank so voting to wind up under the provisions of this act, shall publish a notice for the period of sixty days in any newspaper published in the town or city where such bank or branch bank is located; in case of banks or branches out of the city of St. Louis, said notice shall be published in at least one newspaper in the city of St. Louis, that such bank and branch bank has gone into liquidation, and requesting the holders of its notes to present them for redemption at the places where payable, in one year from the date of such notice; and all notes of such banks and branches which are not presented for redemption within three years from the date of such notice shall be barred; but nothing in this section shall exempt any bank or branch bank from the liabilities and penalties imposed by existing laws for a failure to redeem their notes when presented at any time before the above period.

§ 8. Until any bank or branch of such bank shall close its business as provided in this act, such bank or branch bank may charge a reasonable rate of exchange on time bills payable out of the State, not to exceed one per cent.

§ 9. Any bank or branch bank, having complied with the provisions of this act, and also with said act of Congress, so far as to organize under the laws of the United States, and to commence business as a National Bank, which they are hereby authorized to do, shall be deemed to have surrendered its charter under the laws of this State, except as provided in this act.

§ 10. The Bank Commissioner shall, on the presentation of the certificate of the Comptroller of the Currency, authorizing any bank of this State to commence business as a National Bank, cause all plates and dies and other material for the engraving of notes of such bank or the branches thereof, to be canceled and destroyed in the presence of the President and Cashier of such bank; and it shall be the duty of the Bank Commissioner to burn all the circulation of such bank then in its vaults, and also to burn, monthly, such additional circulation of said bank as may be produced to him by the President and Cashier of said bank for that purpose; all such burnings and destructions of said circulation to be done in the presence of the President and Cashier and of such committee of the Board of Directors as may be appointed by the Board for that purpose.

§ 11. The certificate of the Comptroller of the Currency, or a certified copy thereof, by the Comptroller, or from the records of the bank, authorizing the said bank or branches to commence the business of banking under the laws of the United States, shall in all courts be evidence of the facts therein recited and stated, and that said bank or branches is a corporation under the laws of the United States, and entitled to sue and be sued; and this act is hereby declared a public act.

§ 12. The provisions of this act shall not apply to the Bank of the State of Missouri until the said Bank of the State of Missouri shall first pay into the Treasury of the State, under the supervision of the Governor,

all the funds or stock belonging to the State, or for which the State is trustee for the schools.

§ 13. Any savings institution, or association, or other corporation having banking powers or doing a banking business in this State, are [is] hereby authorized to avail themselves [itself] of the provisions of said act.

§ 14. Section (25) twenty-five of an act concerning savings institutions and other corporations doing a banking business, approved February 28, 1859, is hereby repealed.

§ 15. This act to take effect and be in force from and after its passage. Approved February 12, 1864.

BANKS AND BANKING ASSOCIATIONS.

AN ACT to authorize certain corporations to do a banking business under an act of Congress approved February 25, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That any bank, savings institution, savings association, or other corporation having banking powers and privileges in this State under the laws thereof, or any which may hereafter be created, shall have power and are hereby authorized to form associations for the purpose of doing a banking business under and in pursuance of "an act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, any law of this State to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

Approved February 10, 1864.

BANKS AND BANKING ASSOCIATIONS.

AN ACT to authorize certain corporations to do a banking business under an act of Congress approved February 25, 1863.

§ 1. Banks under National Currency law § 2. Certain property and stock not transferred from one bank to another.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That any bank, savings institution, savings association, or other corporation having banking powers in this State, or any which may hereafter be created, shall have power, and are hereby authorized to form associations for the purpose of doing a banking business under and in pursuance of "an act to provide a national currency, secured by a pledge of United States stock, and to provide for the circulation and redemption thereof," approved February 25, 1863, any law of this State to the contrary notwithstanding.

§ 2. This act shall not be construed so as to transfer the stock of any person owning stock in any bank, savings institution, savings association or any other corporation, to any banking association formed under and by virtue of this act, without the written consent and agreement of person owning such stock.

This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

BANKS AND BANKING ASSOCIATIONS.

AN ACT concerning Banks and Banking Associations and Savings Institutions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The banks, branch banks, savings institutions, savings associations or other incorporations or associations, as also brokers, exchange dealers or any person or persons doing a banking business in this State, are hereby authorized to receive in payment of debts, or on deposit or for any other purpose, the notes and fractional notes issued by the United States Government, and also the notes and fractional notes issued by authority of the United States Government, and which may be secured by bond pledged to and held by the United States Government, or its duly appointed agent; and they are hereby authorized to receive such notes on deposit, subject to be drawn for in kind, and to pay out and circulate the same generally, as their business may require.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 10, 1864.

BANKS: BANK COMMISSIONER.

AN ACT amendatory of an act to regulate banks and banking institutions, and create the office of Bank Commissioner.

- § 1. Directors of branch banks may wind up the same; proceedings in winding up; assets disposed of.
2. Proceedings in winding up a bank.
- § 3. Time allowed to wind up a branch; claims to be presented in a certain time; effect of failing to do so.
4. When time commences to run.
5. Contrary laws repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The stockholders of any branch bank in this State, with the assent of the parent bank, may, by the vote of the majority in amount of the stock of such bank, exclusive of the stock owned by the parent bank, wind up such branch bank.

§ 2. The directors of any branch bank in this State, with the assent of the stockholders, obtained in manner and form as provided in section 1 of this act, may discontinue any such branch bank and wind up the business thereof; after the redemption of the circulation of such branch bank, and the payment of its liabilities, the capital stock remaining to such branch bank shall be divided among, and paid over to the stockholders thereof, according to law and the provisions of its charter; or the said stockholders may, at their option, have their distributive shares of said capital stock, dividends, and profits transferred to and made part of the stock of the parent bank, and the stockholders of the stock thus transferred shall be entitled to and have all the rights and privileges of the stockholders of the parent bank.

§ 3. Two years shall be allowed in which to wind up any branch bank under the provisions of this act and no longer; and all dues, claims, and demands against any such branch bank not presented for allowance within that time, shall be forever barred, saving the minors and persons of unsound mind, the period of one year after their respective disabilities shall be removed.

§ 4. The said two years shall not commence to run until said branch bank shall be advertised to wind up its business in two newspapers in the State, for four weeks successively, one of which shall be published in St. Louis.

§ 5. The provisions of any act or laws contrary to or in conflict with this act, are hereby repealed.

§ 6. This act to take effect and be in force from and after its passage. Approved February 15, 1864.

BANK DIRECTORS.

AN ACT concerning Bank Directors.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Directors or other officers of the banks of this State, or the branches thereof, after such banks and branches go into liquidation, shall not be deprived from acting as directors, trustees, or other officers of savings associations, savings institutions, or national banks established in the places in which they may severally reside, any law of this State to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

Approved February 10, 1864.

BONDS, UNION MILITARY: TO ENHANCE VALUE OF.

AN ACT to enhance the value of Union Military Bonds.

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| § 1. Treasurer of State to make certain deposits in State Bank. What funds deposited. | § 4. Collectors to be allowed amount of bonds and interests; collectors to make certain oath before bonds receivable. |
| 2. Treasurer to give notice of time and place of redemption of bonds; how bonds to be returned; notice to state class to be redeemed; how bonds redeemed to be canceled. | 5. County Courts authorized to receive these bonds for county taxes. |
| 3. Collectors authorized to receive Military Bonds in payment of one-half of State taxes for certain years and delinquent taxes. | 6. Acts contrary hereto repealed. |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Treasurer of the State is hereby authorized and required to place on deposit at the Bank of the State of Missouri at Saint Louis any money in the Treasury to the credit of the Union Military Fund, whether arising from commutation taxes or other taxes for military purposes, paid into the Treasury or hereafter paid in, to be used in the redemption of Union Military Bonds at their face.

§ 2. The Treasurer shall give reasonable notice in one or more papers published in St. Louis, of the time and place of said redemption. Said bonds shall be returned in the order or date of their issue, and the notice shall specify the class of bonds that will be redeemed. All bonds so returned shall be canceled as required in section 7 of the act under which said bonds are issued.

§ 3. The collectors of the revenue are authorized and required to receive Union Military Bonds in payment of fifty per cent of all State taxes for the years 1863 and 1864, and for delinquent taxes due the State.

§ 4. When Union Military Bonds are presented to the State Treasurer as provided in the preceding section by the several collectors of this State, at their annual settlements with the Auditor and State Treasurer, they shall be allowed the amount of said bonds and interest allowed thereon; but before said collectors shall receive credit for the amount of bonds tendered to the Treasurer for taxes collected, he shall make an oath or af-

firmation, at their annual settlement, that said bonds were received by him in the payment of taxes received by him under this act.

§ 5. The County Courts of this State are hereby authorized to collect and receive Union Military Bonds in payment of the county revenues, in whole or in part, as they shall determine to be for their interests respectively.

§ 6. All acts and parts of acts inconsistent with this act are hereby repealed.

This act to take effect and be in force from and after its passage.
Approved December 19, 1863.

BONDS: UNION MILITARY.

AN ACT supplementary to and explanatory of an act entitled "an act to enhance the value of Union Military Bonds," approved December 19, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows, to wit:

That the true meaning, extent and effect of said act is hereby declared to be to empower and authorize collectors to receive Union Military Bonds for all delinquent taxes returned to the Register, and due the State of Missouri.

That all acts inconsistent with this act are hereby repealed.

This act to take effect and be in force from and after its passage.
Approved February 15th, 1864.

BONDS, STATE: TO BE ISSUED.

AN ACT to authorize the issue of State Bonds for the sum of one hundred and fifty thousand dollars advanced to the State for the purpose of purchasing arms.

- § 1. Governor authorized to settle with parties furnishing money to purchase arms, and to issue State Bonds to same; how bonds to be issued and attested and registered; coupons to be attached.
- § 2. Bonds to be numbered and registered, when; duplicate receipts to be taken; what receipt to show; where receipts to be filed.
3. How interest coupons paid.
4. Expenses under this act, how paid.

WHEREAS, The banking institutions of St. Louis, at the request of the Governor, consented to advance to the State the sum of one hundred and fifty thousand dollars, for the purpose of purchasing arms,

with the expectation that money would be realized from an assessment made by order of Brigadier General Schofield, the Commanding General of the United States for the District of Missouri, with which the Banks would be reimbursed, and whereas, said assessment has been suspended by order of the President, leaving no provision for the amount of money so advanced by the banks and actually expended in the purchase of arms and accoutrements as aforesaid; therefore

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Governor is hereby authorized and directed to settle with the banks for all advances made to the State for the purposes aforesaid, and upon such settlement to adjust and deduct from said amounts the bonus due the State and unpaid by said banks respectively, and for the balance of said advances, to issue or cause to be issued, the bonds of the State of Missouri, signed by himself and countersigned by the Secretary of State, for the amount of money advanced by the banks of St. Louis to the State as aforesaid, in payment thereof, with six per cent. interest per annum from the date of said advances, to be issued in sums of one thousand dollars each, payable in not less than three, nor more than ten years after date thereof, with six per cent. interest coupons attached, payable semi-annually, and signed by the Treasurer.

§ 2. Said bonds shall all be duly numbered and registered on the day of the date thereof in the Auditor's office, and upon the delivery of said bonds to said banks, the Governor shall take duplicate receipts therefor, showing the amount of said advances and the amounts of bonus deducted as provided in section one, respectively, with the interest due thereon, one of which shall be filed in the Auditor's office, and the other in the office of the Secretary of State.

§ 3. The semi-annual interest on said bonds shall be payable out of any money in the treasury not otherwise appropriated, and upon the presentation of said interest coupons, at or after their maturity, the Auditor shall draw his warrant upon the Treasurer for the amount thereof, and cancel said coupons. In case there is not sufficient money, as aforesaid, in the treasury to pay said warrants, the same shall be paid out of the State Interest Fund.

§ 4. All the necessary expenses incurred for the printing and issuing said bonds shall be paid out of the General Contingent Fund.

This act to take effect and be in force from and after its passage.
Approved February 15, 1864.

BONDS, STATE: TO BE ISSUED.

AN ACT to provide means to pay State Bonds that matured in 1862 and falling due in 1863, issued for State purposes.

- § 1. Governor to issue certain bonds; where and when payable.
- § 2. What amount to be issued and how executed.
3. How said bonds to be disposed of. Bonds taken up to be canceled.
- § 4. How interest coupons paid; faith of the State pledged to payment of bonds issued hereunder.

MISCELLANEOUS: SMALL BILLS.

AN ACT respecting small bills.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All railroad companies in the State of Missouri are hereby allowed to receive and pay out small bills, under the denomination of five dollars, without forfeiture of charter therefor or any legal inconvenience whatever.

§ 2. All acts and parts of acts inconsistent with this act are repealed. This act to take effect and be in force from and after its passage.

Approved February 10, 1864.

MISCELLANEOUS: SOLDIERS' WIDOWS AND HEIRS.

AN ACT for the benefit of widows and heirs of deceased soldiers who have died in the six months service.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. An act entitled "an act for the benefit of widows and heirs of deceased soldiers," approved December 17, 1863, is hereby made to apply to the widows and heirs of deceased soldiers who have died in and belonged to the six months service of the State, and were called out by the Governor in the year 1861.

§ 2. This act to take effect and be in force from and after its passage. Approved February 12, 1864.

MISCELLANEOUS: PROTECTION OF STATE PROPERTY.

AN ACT for the protection of the property of the State.

Be it enacted by the General Assembly of the State of Missouri, as follows:

It is hereby declared to be grand larceny for any person or persons to

sell or remove, or to attempt to sell or remove, any rolling stock, ties, iron, or any other property belonging to any railroad company to which State aid has at any time been granted, and which has not paid the interest on the State bonds as required by law.

This act to take effect from and after its passage.

Approved February 10, 1864.

MISCELLANEOUS: AGRICULTURE.

AN ACT for the encouragement of Agriculture.

- § 1. Board of Agriculture created; name of members.
2. Five of the Board to meet in St. Louis; time when they first meet; officers to be elected; term of service; president may call meetings, when.
3. Board may adopt by-laws; restrictions on same.
4. Who to be *ex-officio* members of Board.
5. When annual meeting to be held; objects of meeting; vacancies to be filled.
- § 6. Agricultural societies to make the Board an annual report.
7. Board to make a report to General Assembly; what report shall contain.
8. One hundred dollars appropriated for use of the Board.
9. Duty of Public Printer in printing reports of the Board and the Horticultural Society; how same to be distributed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That George R. Buckner, of St. Charles county, Benjamin P. Clifford, of Pike county, Lucius Salisbury, of Chariton, John Dunn, of Shelby, T. J. Bailey, of Greene, Frederick Munch, of Warren, Richard Gentry, of Pettis, L. D. Morse, of St. Louis, C. C. Manwaring, of Gasconade, and Henry Shaw, of St. Louis, and their successors as hereinafter provided, be and are hereby created a body corporate, under the name and style of the Missouri State Board of Agriculture.

§ 2. It shall be the duty of said Board, five of whom shall constitute a quorum, to meet in the city of St. Louis on the second Wednesday of April after the passage of this act, to organize by appointing a president, secretary, and treasurer, and such other officers as the said Board shall deem necessary; and also to determine, by lot or otherwise, the time that each member of said Board shall serve, so that the term of service of one-half of the members shall expire annually, on the day of the annual meeting in December, and the president shall have power to call meetings of the Board whenever he may deem it expedient.

§ 3. The Missouri State Board of Agriculture, and their successors, when organized as provided by this act, shall have power to adopt such by-laws and make such rules and regulations for the government of said Board and the management of its affairs and business, as they may deem

mortgage, convey and otherwise manage and dispose of the same at pleasure, and all of said property not exceeding fifty thousand dollars in value shall be exempt from taxation for State, county or municipal purposes of every kind and description whatever; and the seventh and eighteenth sections of the first article of an act concerning corporations, approved November 23d, 1855, shall not apply to said corporation.

§ 2. The business transactions of said corporation shall be conducted by a board of managers, consisting of the present corporators and their successors; said board shall have full power to make rules and by-laws for the conduct and management of the affairs of the corporation, not inconsistent with the constitution and laws of this State or the United States.

§ 3. The board of managers shall have control of all the property of the corporation, and shall have parental power to direct and control the personal conduct and education of all children entrusted to their care, and to receive, provide for and educate all children entrusted to their care, and to receive, provide for and educate destitute, abandoned or orphan children, and also to accept in writing a surrender by the father, or where there is no father, or the father has absented himself or abandoned his family, then by the mother, of any child or children to the care of said board, and power to bind out all of said children, if girls, until they respectively arrive at the age of eighteen years.

§ 4. This act to be in force from and after its passage.

Approved February 13, 1864.

ASYLUMS: DEAF AND DUMB.

AN ACT to authorize the Board of Commissioners of the Deaf and Dumb Asylum to appoint a Treasurer, and for other purposes.

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| <p>§ 1. Certain section of law in relation to the Asylum is repealed.</p> <p>2. Treasurer to be appointed; term of office and compensation to be fixed; duties and labors to be prescribed; Governor and Auditor to approve amount of compensation of Treasurer.</p> | <p>§ 3. Where Treasurer to reside; to give bond; what he shall have custody of; shall make certain payments; liabilities of Treasurer and securities.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the third section of an act entitled an act for the government and management of the Asylum for the Education of the Deaf and Dumb is hereby repealed.

§ 2. The board of commissioners are hereby authorized to appoint a Treasurer for said Asylum, and to fix his term of office and compensation, and by by-laws to prescribe his duties and labors, and at pleasure to re-

move him from office; the compensation of the Treasurer to be subject to the approval of the Governor and Auditor of Public Accounts, and to be paid in the same manner as is now provided by law for the payment of the salaries of other officers of the institution.

§ 3. The Treasurer of the Asylum shall reside in Callaway county, and shall give bond for the faithful performance of his trust in such sum and with such securities as shall be approved by the Governor and Auditor of Public Accounts. He shall have the custody of all moneys, notes and other obligations and securities belonging to the Asylum; and out of said moneys shall make payments on such warrants or orders as may be prescribed in the by-laws of the Asylum. For any misfeasance, malfeasance or non-feasance, he and his securities shall be liable, and be prosecuted therefor by direction of the board of commissioners.

This act to take effect and be in force from and after its passage.

Approved January 21, 1864.

BANKS: WESTERN.

AN ACT in relation to the Western Bank of Missouri.

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| <p>§ 1. Two-thirds of the stockholders of any branch may wind up the branch; how to proceed; what notice to be given, and how notice to be given; how vote may be taken; <i>provisio</i> in case of consolidation; <i>provisio</i> about liability of parent bank.</p> | <p>§ 2. Acts contrary hereto repealed; effect of act takes place, when.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be lawful for two-thirds of the stockholders in interest of either or all of the branches of the Western Bank of Missouri, after notice given in some newspaper printed in the county where such branch bank is located, at least thirty days before the day of meeting, signed by the President or Cashier of said branch bank, and stating the time, place and object of the meeting, to provide for winding up such branch bank, by consolidating the capital thereof into that of the parent bank, or by receiving in full payment for their stock, *pro rata*, the assets of said branch bank; and if two-thirds of the stockholders in interest, voting in person or by proxy, shall decide in favor of either course, the parent bank, by its Board of Directors, may proceed to wind up said branch bank or banks, if they deem it to be the interest of the bank so to do; *provided*, that in any case of consolidation the stockholders of any such branch shall not be required to make any further payment upon their capital stock subscribed to such bank; and *provided further*, that nothing contained in this act shall be so construed as to exonerate the parent bank from its liability to

pay the debts and redeem the notes and obligations of such branch or branches as may determine to go into liquidation.

§ 2. That the provisions of any statute or law of this State in conflict with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved January 26, 1864.

BANKS: WESTERN.

AN ACT supplementary to an act entitled an act in relation to the Western Bank of Missouri, approved January 26, 1864.

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| <p>§ 1. Act to which this is supplementary not to apply to Fulton Branch; Fulton Branch authorized to wind up its business; how its business to be wound up; duty of cashier.</p> <p>2. If two-thirds vote, what cashier is to do.</p> <p>3. Conditions on which this act to inure to Fulton Branch; Secretary of State to approve bond.</p> | <p>§ 4. When vote of stockholders to be taken under this act; what notice to be given, and how notice to be given.</p> <p>5. Certain acts inconsistent herewith repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the act to which this is supplementary is hereby declared not to apply to the Branch of the Western Bank at Fulton; but said branch bank is hereby authorized to wind up its business under the provisions of an act entitled an act to enable the banks and the branch banks in this State to wind up their business and organize under the law of Congress to furnish a National Currency, approved February [12.] 1864, or under the provisions of an act entitled an act authorizing the liquidation of the branch banks of this State, approved November 19, 1863, as the stockholders of said branch bank may, by a two-thirds vote, decide.

§ 2. When the stockholders of said branch bank shall have decided by a vote of two-thirds in interest so voting, to wind up under the provisions of either of the above recited acts, it shall be the duty of the cashier of said branch bank to pay over to the parent bank and branches, or either of them, all coin or other money borrowed of them, and collect and receive from the parent bank and branches, or either of them, all coin and other money due said branch bank, and a just proportion of the surplus fund due said branch bank at Fulton.

§ 3. The provisions of this act shall not inure to the said branch bank at Fulton, unless on or before the first day of July, 1864, the President of said branch bank shall cause to be filed in the office of Secretary of State such bond as the Secretary of State may approve, indemnifying the parent bank and branches of the Western Bank against any and all loss on account of the outstanding circulation of said branch bank.

§ 4. The vote of the stockholders of said branch bank, to ascertain under the provisions of which of the acts recited in section one of this act they will determine to wind up, shall be taken on or before the first day of May, 1864, at their banking house in Fulton, twenty days' previous notice of said election having first been given by the President of said branch bank, in some newspaper published in the city where said branch bank is situated.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed, so far as they conflict with the provisions of this act. This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

BANKS: SOUTHERN.

AN ACT to enable the Southern Bank of St. Louis to organize under an act of Congress to provide a National Currency.

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| <p>§ 1. Directors empowered to do all things necessary to form a Banking Association under certain law of Congress; Directors to make the certificate of association required by said act.</p> | <p>§ 2. Books, papers, assets, etc., of branch banks to be removed to St. Louis, under direction of parent bank; parent bank relieved from maintaining branch banks; <i>proviso</i> in such cases; liability of parent and consolidated branch.</p> <p>2. Parent bank to settle business of branch banks.</p> <p>4. Intent and object of this act declared.</p> |
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WHEREAS, It is represented and shown that the stockholders of the Southern Bank of St. Louis and its branch banks have, after due and legal notice, by a vote of more than two-thirds of all the capital stock of said bank and its branches, determined and decided that the banking association of said Southern Bank of St. Louis shall become an association under the provisions of an act of Congress of the United States entitled "an act to provide a National currency, secured by a pledge of United States stock, and to provide for the circulation and redemption thereof," approved 25th February, 1863; and also by the same vote of more than two-thirds of the capital stock of said bank and its branches, the holders and owners of said stock determined and decided to give and have given the Board of Directors of said bank at St. Louis authority to make the certificate of association provided and required by said act; and *whereas*, the Board of Directors of said bank at St. Louis, as appears by their memorial, desire to carry out the wishes of the stockholders so expressed; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Board of Directors of the Southern Bank of St. Louis, at St.

Louis, shall have power and authority to do any and all acts necessary or proper to make and constitute the banking association of said Southern Bank of St. Louis an association under the provisions of said act of Congress, entitled "an act to provide a national currency, secured by a pledge of United States stock, and to provide for the circulation and redemption thereof," approved February 25, 1863; and said Board of Directors shall also have power and authority to make the certificate of association provided and required by said act.

§ 2. Under the direction of the parent bank at St. Louis, all books, papers, notes and assets of every description appertaining or in any wise belonging to the branch banks of said Southern Bank of St. Louis may be removed to the parent bank at St. Louis, and said parent bank shall be relieved from maintaining branch banks; *provided*, that holders and owners of capital stock in the branch banks shall have like and equal privileges and rights with stockholders in the parent bank; and *provided*, that the parent bank and branches, so consolidated, shall be liable for and pay all debts and liabilities of the branches.

§ 3. The parent bank is empowered to settle and adjust the business of the branch banks, and collect or renew all debts due the branch banks, and all liabilities and debts of the branch banks are hereby made payable at the said parent bank at St. Louis.

§ 4. It is hereby declared to be the intent of this act to give the banking association of the Southern Bank of St. Louis, in accordance with the desire of the stockholders, as expressed by their vote, power to become a banking association under the said act of Congress to provide a national currency, and at the same time to preserve to the holders and owners of stock in the branches of said bank, under their new association, the same rights and privileges they would have if original shareholders in the parent bank—the organization of the new association, and its powers and privileges, business and operations, to be, in all respects, under and in conformity with said act of Congress.

§ 5. This act to take effect and be in force from and after its passage.
Approved November 24, 1863.

BANKS: SOUTHERN.

AN ACT supplementary to an act entitled an act to enable the Southern Bank of St. Louis to organize under an act of Congress to provide a National currency, approved 24th November, 1863.

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| <p>§ 1. The Southern Bank considered as having surrendered its charter; said bank to continue as a bank for certain purposes.</p> <p>2. When Bank Commissioner to cause plates, dies, apparatus, etc., of bank to be burned; circulation of bank to be burned; to be in presence of President and Cashier.</p> | <p>§ 3. What certificate of Comptroller of Treasury to be evidence of.</p> <p>4. No more elections to be held for Directors; present Directors to continue in office; how vacancies may be filled.</p> <p>5. Date of effect of act.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Southern Bank of St. Louis having complied with the provisions of the act to which this is a supplement, and also with said act of Congress, so far as to organize under the laws of the United States, and to commence business as a National Bank, shall be deemed to have surrendered its charter as a bank under the laws of this State, provided that nothing in this act, or the act to which this is supplementary, shall be so construed as to prevent said Southern Bank of St. Louis from continuing as a body corporate for and during such term as may be necessary for the purpose of prosecuting and defending suits by and against it, and of enabling it to close its concerns and to dispose of and convert its property and effects, but not for the purpose of continuing under the laws of this State the business for which it was established; and said Southern Bank of St. Louis is hereby continued a body corporate for the purpose in this section first designated.

§ 2. The Bank Commissioner shall, on the presentation of the certificate of the Comptroller of the Currency authorizing the Third National Bank of St. Louis to commence business as a National Bank, cause all plates and dies and other material for the engraving of notes for said Southern Bank of St. Louis to be canceled and destroyed in the presence of the President and Cashier of said Southern Bank of St. Louis; and it shall be the duty of the Bank Commissioner to burn all the circulation of said Southern Bank of St. Louis now in the vaults of said bank, and also to burn monthly such additional circulation of said bank as may be produced to him by the President and Cashier of said bank for that purpose; all such burning and destruction of said circulation to be in the presence of the President and Cashier and of such committee of the Board of Directors as may be appointed by the Board for that purpose.

§ 3. The certificate of the Comptroller of the Currency, or a certified copy thereof by the Comptroller or from the records of the bank, authorizing the Third National Bank of St. Louis to commence the business of banking under the laws of the United States, shall in all courts be evidence of the facts therein recited and stated, and that said Third National Bank of St. Louis is a corporation under the laws of the United States, and entitled to sue and be sued; and this act is hereby declared to be a public act.

§ 4. The Southern Bank of St. Louis having surrendered its charter and ceased to do business as a bank, said bank is hereby relieved from all provisions of law requiring elections to be held for Directors, and the present Board of Directors may continue as such to wind up and close the business of said bank, as provided in the first section of this act, and shall have power by appointment to fill all vacancies in the Board which have or may occur.

§ 5. This act to be in force from and after its passage.
Approved February 5, 1864.

BANKS: MERCHANTS'

AN ACT to authorize the Merchants' Bank of St. Louis and its branches to close up its affairs.

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| <p>§ 1. Parent bank and branches authorized to wind up.</p> <p>2. Three-fifths of stockholders in interest may vote the bank in liquidation; whether capital stock to be consolidated; how meeting called to decide what to do under this act; how notice of meeting published; assets, etc., may be removed to parent bank.</p> | <p>§ 3. Capital stock may be reduced.</p> <p>4. Exchange may be sold and charged for.</p> <p>5. Acts inconsistent herewith repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Merchants' Bank of St. Louis, and its branches at Brunswick and Ste Genevieve, is hereby authorized to close and wind up its affairs in the manner provided by this act.

§ 2. By a vote, in person or by proxy, of three-fifths in interest of the stockholders of either of the above named branches, the affairs of such branch may be declared to be in liquidation. At the same time and in the manner aforesaid such stockholders shall decide whether the capital stock of such branch shall be consolidated with the capital stock of the parent bank at St. Louis, or whether they choose to receive in full payment for their stock the assets and earnings of said branch, after paying its proportion of all liabilities, *pro rata*, of the said Merchants' Bank of St. Louis and branches; and for the purpose of deciding whether said branch shall be wound up as herein provided, a meeting of the stockholders of said branch may be called at the discretion of the President of the Merchants' Bank of St. Louis, by publication to that effect, signed by the President of said bank, in some newspaper published in the county where such branch is located; or if there is no newspaper published in such county, then in some newspaper published in the city of St. Louis; and in the event that either of said branches is declared to be in liquidation, in the manner herein provided, then all books, papers, moneys, property and assets of every description appertaining, or in any wise belonging to any such branch, may be removed to the parent bank at St. Louis, and said Merchants' Bank of St. Louis shall be relieved in the future from maintaining a branch at said place.

§ 3. Said Merchants' Bank of St. Louis is hereby authorized to reduce its capital stock by receiving the shares or stock thereof in settlement of debts due said bank, and otherwise.

§ 4. The Merchants' Bank of St. Louis shall be allowed to charge a reasonable rate of exchange, not exceeding one per cent., on time bills payable out of the State.

§ 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved January 21, 1864.

BANKS: MECHANICS'

AN ACT in relation to the Mechanics' Bank of St. Louis, Missouri.

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| <p>§ 1. Authorized to wind up certain of its branches.</p> <p>2. Stockholders may declare their branch in liquidation; to decide as to disposal of capital stock of branch; meeting to be called for such purpose; how notice to be given of such meeting; the assets, books, notes, etc., of branches in liquidation may be removed; parent bank relieved then from maintaining branches.</p> | <p>§ 3. Parent bank to adjust affairs of branches in liquidation; debts and liabilities, where payable.</p> <p>4. Parent bank may reduce capital stock.</p> <p>5. Laws contrary hereto repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Mechanics' Bank of St. Louis is hereby authorized to wind up the affairs of its branches at Weston, Warsaw and Kansas City.

§ 2. By a vote, in person or by proxy, of a majority in interest of the stockholders of either of the above named branches, the affairs of any such branch may be declared to be in liquidation; at the same time and in the manner aforesaid, such stockholders shall decide whether the capital of such branch shall be consolidated with the capital of the parent bank at St. Louis, or whether they choose to receive in full payment for their stock the assets of said branch, after paying all liabilities, *pro rata*. And for the purpose of deciding whether any of the above named branches shall be wound up as herein provided, a meeting of stockholders of such branch shall be called by publication to that effect, signed by the President of the parent bank, in some newspaper published in the county where such branch is located; or if there be no newspaper published in such county, then in some newspaper published in the city of St. Louis. And in the event that any of the above named branches are declared to be in liquidation, in the manner herein provided, then all books, papers, notes and assets of every description, appertaining or in any wise belonging to any such branch, may be removed to the parent bank at St. Louis, and said Mechanics' Bank shall be relieved in the future from maintaining a branch bank at said place.

§ 3. The Mechanics' Bank is hereby empowered to settle and adjust the business of said branch bank or banks so declared to be in liquidation, and all debts and liabilities of said branch or branches which may be placed in liquidation as hereinbefore provided, are hereby made payable at the said Mechanics' Bank at St. Louis.

§ 4. Said Mechanics' Bank is hereby authorized to reduce its capital stock by receiving the shares thereof in settlement of debts due said bank and otherwise, to the sum of six hundred thousand dollars.

§ 5. All acts conflicting with this act, so far as they conflict with the said Mechanics' Bank, are hereby repealed.

This act to be in force from and after its passage.

Approved December 3, 1863.

BANKS: FARMERS'

AN ENABLING ACT for the benefit of the Farmers' Bank of Missouri and branches.

- § 1. Notice to be given to stockholders of a meeting to wind up the affairs of parent bank and branches; how notice given; when meeting to be held.
2. Each branch to appoint a committee to superintend election; how committee to be selected.
3. When parent bank and branches to be considered in liquidation; time allowed to close up affairs of the bank and branches.
4. This act to be null and void unless certain things are done; an association under national banking law to be established; requirements of said law to be complied with; effect of failing to do so.
5. Bank may do certain things until organized under national banking law; terminates July, 1864.
6. Authorized to reduce capital stock; how same may be done; notes to be renewed.
7. Number of directors reduced; directors and officers of banks may serve as directors or officers of any National Bank in certain places.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be the duty of the President of the Farmers' Bank to notify the stockholders thereof, by publication in the *Lexington Union, Liberty Tribune* and *Paris Mercury*, that a meeting of the stockholders will be held at the banking houses of said bank at Lexington, Liberty and Paris, on the first day of January, 1864, to vote upon a proposition to wind up the effects [affairs] of said bank and branches.

§ 2. The different boards of said bank shall appoint from among the stockholders a committee of three persons, to superintend said election; and stockholders are entitled to vote in the same manner as is now required for the election of directors.

§ 3. If it shall appear that a majority in interest shall have voted to wind up the affairs of said bank, after comparing the votes cast at the branches with those cast at the parent bank, then the affairs of said bank and branches shall be considered in liquidation, and the directors and their successors shall have the period of seven years from the day of said election to close up the affairs of said bank and branches.

§ 4. This act shall be null and void unless the stockholders of the Farmers' Bank of Missouri (the parties in benefit under the provisions of this act) shall organize and put into actual operation in the city of Lexington, Lafayette county, Missouri, on or before the first day of July, 1864, a "banking association," under the provisions of an act of the Congress of the United States entitled "an act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," with an actually paid in capital of not less than one hundred thousand dollars, (\$100,000) by investment in United States stocks (or bonds) or otherwise, as required by the provisions of said act of Congress. And upon failure to establish such banking association aforesaid, and all acts of the said Farmers' Bank, in the exercise of any immunity or privilege granted by this act, shall be of none effect, as fully as if this act had never passed.

§ 5. Until organizations under the "National Banking Law" of the United States shall be ready to do business in the towns of Lexington,

Liberty and Paris, the said Farmers' Bank and branches may receive deposits, buy and sell exchange, and conduct their business as if this act had not been passed; but this privilege shall not extend beyond the first day of July, 1864.

§ 6. The said Farmers' Bank is hereby authorized to reduce its capital stock, by receiving the shares thereof in settlement of debts due said bank and branches and otherwise; and nothing in this act shall be so construed as to prevent the said bank and branches from renewing notes and bills due it from time to time for the purpose of securing their ultimate payment.

§ 7. The number of directors in the parent bank is hereby reduced to seven, and the number in each of its branches to five, two of the five in each branch to be appointed by the parent board; and any director or officer of the said Farmers' Bank and branches may serve as a director or officer of any National Bank that may be established in Lexington, Liberty and [or] Paris.

§ 8. This act to take effect and be in force from and after its passage. Approved December 18, 1863.

BANKS: UNION.

AN ACT to authorize the Union Bank of Missouri to wind up its branches and reduce its stock.

- § 1. Parent bank authorized to wind up the affairs of certain of its branches.
2. How branches to be declared in state of liquidation; how capital stock to be disposed of; same may be consolidated or otherwise disposed of; how determined that branch shall wind up its affairs; how meeting called for such purpose; notice to be given; when branches go into liquidation how books, papers, records, etc. disposed of; to be removed to St. Louis.
3. Parent bank authorized to settle affairs of branches; notes made payable, where.
4. Parent bank authorized to reduce its capital.
5. May charge rates of exchange.
6. Acts contrary hereto repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Union Bank of Missouri is hereby authorized to wind up the affairs of its branches at LaGrange, Milan, Kansas City, Warrensburg and Charleston.

§ 2. By a vote, in person or by proxy, of a majority in interest of the stockholders of either of the above named branches, the affairs of any such branch may be declared to be in liquidation; at the same time and in the manner aforesaid, such stockholders shall decide whether the capital of such branch shall be consolidated with the capital of the parent bank at

St. Louis, or whether they choose to receive in full payment for their stock the assets of said bank, after paying all liabilities, *pro rata*; and for the purpose of deciding whether any of the above named branches shall be wound up as herein provided, a meeting of the stockholders of such branch may be called at the discretion of the President of the parent bank, by publication to that effect, signed by the President of the parent bank, in some newspaper published in the county where such branch is located, or if there be no newspaper published in such county, then in some newspaper published in the city of St. Louis. And in the event that any of the above named branches are declared to be in liquidation in the manner herein provided, then all the books, papers, notes and assets of every description appertaining or in any wise belonging to any such branch, may be removed to the parent bank at St. Louis, and said Union Bank shall be removed in the future from maintaining a branch bank at said place.

§ 8. The Union Bank of Missouri, at St. Louis, is hereby empowered to settle and adjust the business of said branch bank or banks so declared to be in liquidation, and all debts and liabilities of said branch or branches which may be placed in liquidation as herein provided, are hereby made payable at the said Union Bank of Missouri, at St. Louis.

§ 4. Said Union Bank of Missouri is hereby authorized to reduce its capital stock by receiving the shares thereof in settlement of debts due said bank and otherwise.

§ 6. The Union Bank of Missouri may charge a reasonable rate of exchange, not exceeding one per cent., on time bills payable out of the State.

§ 6. All acts conflicting with this act, so far as they apply to or affect the said Union Bank of Missouri, are hereby repealed.

This act to be in force from and after its passage.

Approved December 17, 1863.

BANKS: OF St. Louis.

AN ACT to authorize the Bank of St. Louis and the branch bank thereof at Kirksville, Missouri, to organize and act as banking associations, under the act of Congress approved February 25th, A. D. 1863, entitled "an act to provide a national currency, secured by pledge of United States stocks, and to provide for the circulation thereof."

1. Stockholders authorized to organize a bank.
2. When meeting shall be by stockholders to accept or reject this act; proceedings in case of acceptance.
3. May organize a bank at St. Louis; the Kirksville branch may organize a bank at Kirksville.
4. Legal status of bank after acceptance of this act.
5. Bank may at a general banking business; vacancies, how filled; officers to be appointed.
6. Notes and demands to be presented within three years.
7. Rates, dues, etc., of bank to be destroyed; circulation to be destroyed, when.

§ 1. The stockholders of the Bank of St. Louis, by and with the consent of two-thirds in interest thereof, are hereby authorized and empowered to organize and act as banking associations in the manner hereinafter provided, under the provisions of the act of Congress entitled "an act to provide a national currency, secured by pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, A. D. 1863.

§ 2. On the first day of July, A. D. 1864, the stockholders of said bank, or two-thirds thereof in interest, shall meet, in person or by proxy, at their banking house in St. Louis, and determine whether they will accept the provisions of this act, and if two-thirds of the stockholders in interest, including the stockholders of all the branches, shall accept and assent to the same, the President of the said Bank of St. Louis shall certify such acceptance to the Secretary of State, who shall file the same with the roll of this act, and at said election administrators, curators, trustees and guardians may vote, either in person or by proxy, the shares of the person or persons whom they represent.

§ 3. If the provisions of this act shall be accepted, as hereinbefore provided, the stockholders and owners of the capital stock, individuals and corporations, subscribed in and to the Bank of St. Louis and branches, except the branch of the Bank of St. Louis at Kirksville, Missouri, shall be and are hereby authorized and empowered to organize and act as a banking association in the city of St. Louis, Missouri, and also the stockholders and owners of the capital stock, individuals and corporations, subscribed in and to the Bank of St. Louis, at the Bank of St. Louis, at Kirksville, Missouri, shall be and they are hereby authorized and empowered to organize and act as a separate banking association in the town of Kirksville, Missouri, both under the provisions of the said act of Congress.

§ 4. The Bank of St. Louis and the branches thereof, after the acceptance of this act, shall have the same rights to sue and be sued in reference to all matters and things appertaining to the liabilities of the said bank or any branch thereof, and the enforcement of any existing right or rights, for the purpose of winding up and liquidating the business thereof, as now exist by law.

§ 5. The Bank of St. Louis and the branches thereof shall have the right and authority to do a general banking business under existing laws until the organizations shall be completed under the said act of Congress, and the respective directors of each of them shall continue in office respectively for and during the period necessary to wind up the affairs of said bank and branches respectively; and in case of a vacancy by death or otherwise in either of said boards, and each of said board shall have the power to appoint such officers as may be necessary, who shall receive such remuneration as shall be just and reasonable, as may be determined by each board respectively.

§ 6. All bank notes or other liabilities against said Bank of St. Louis, or branches, shall be presented within three years from the date of the acceptance of this act, and if not so presented within that time shall be forever barred.

It is enacted by the General Assembly of the State of Missouri, as follows:

§ 7. Whenever the said national banking organizations shall be complete under the said act of Congress, the plates of the said Bank of St. Louis shall be destroyed in the presence of the Bank Commissioner and three or more of the directors, which fact shall be certified in writing to the Secretary of State by the said Bank Commissioner, and the bank notes of said bank and branches on hand, and as the same may be redeemed from time to time, shall be destroyed and certified in like manner, which certificates shall be preserved in the office of the Secretary of State.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 8, 1864.

BANKS: EXCHANGE.

AN ACT to allow the Exchange Bank of St. Louis to wind up its business.

- § 1. Bank authorized to wind up its affairs; meeting to be held, how, and after what notice.
- § 2. Proceedings in case the vote is to wind up the affairs of the bank; collection and disposition of the assets and property of the bank.
3. Date of effect of act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Exchange Bank of St. Louis is hereby authorized to wind up the affairs and business of said bank and divide the property of said corporation *pro rata* among the stockholders thereof, if after notice, signed by the President of the bank, stating the time, place and object of the meeting, and published in two newspapers printed in the city of St. Louis, for thirty days before the day of meeting, the majority in interest of the stockholders of said bank shall, at a meeting so called, either in person or by proxy, so resolve.

§ 2. If a majority of the stockholders in interest of said bank shall so resolve in favor of the winding up of said bank, then the Board of Directors shall at once proceed to collect the assets and property of said bank, and out of it pay *first* all the debts and liabilities of said bank, and then distribute the residue among the stockholders *pro rata*, and after said property and assets shall have been so collected and distributed, the Board of Directors shall surrender the charter of said bank to the State of Missouri.

§ 3. This act shall take effect from and after its passage.

Approved February 10, 1864.

BANKS: MERCHANTS'

AN ACT supplementary to an act entitled an act for the relief of the Merchants' Bank of St. Louis, approved March 23, 1863.

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| § 1. Bank authorized to reduce its capital stock; to what amount. | § 3. Parent Bank to make all regulations about government of its property; action of branch banks subject to revision by parent bank. |
| 2. Bank may purchase outstanding shares of stock; how shares in hands of bona fide holders to be regarded. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Merchants' Bank of St. Louis is hereby authorized to deduct from its general capital stock so much of the same as was employed as the capital of the Osceola Branch of said bank and as has been sunk and destroyed, and the capital of said Merchants' Bank of St. Louis shall, for all purposes, be considered and regarded to be the difference between the original capital of said bank, and so much thereof as was so employed as the capital of the Osceola Branch, and as was sunk and destroyed as aforesaid. Such change in the mode of estimating the capital to relate back to the time when such capital was sunk and destroyed.

§ 2. The said Merchants' Bank of St. Louis, as to any portion of said capital that was not sunk and destroyed, and for which certificates may be in the hands of any bona fide holder, [may] either purchase the stock and cause the certificates thereof [to be canceled,] or allow the certificates to remain outstanding, and treat the stock represented thereby as part of the general capital of the parent bank, at the option of the holder; *provided*, that so long as any such certificates may be outstanding in the hands of any bona fide holders, the stock represented by them shall be considered and returned as part of the capital stock of the said Merchants' Bank of St. Louis.

§ 3. The Directors of the parent bank of the Merchants' Bank of St. Louis shall have power to make all by-laws, not inconsistent with any existing law of the State, for the management of its property, the regulation of its affairs, and for the transfer of its stock; and the Directors of any branch of said bank shall have a similar power, subject to the approval of the parent bank. This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

BANKS: ACCOMMODATION.

AN ACT to incorporate the Accommodation Bank of St. Louis.

RESOLUTION: MILITIA-MEMORIALIZE CONGRESS.

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring therein

That a committee of two (2) on the part of the Senate, and three (3) on the part of the House, be appointed to memorialize Congress to extend to the Missouri State Militia and the Enrolled Missouri Militia the benefit of the pension laws of the United States, and all other laws conferring rights and privileges upon the volunteer soldiers in the United States service.

RESOLUTION: IN RELIEF OF MILITIA.

JOINT RESOLUTION relating to the Enrolled Militia of Missouri.

Resolved by the General Assembly of the State of Missouri:

That our Senators in Congress be instructed and our Representatives be requested to prepare and support the passage of an act through the Congress of the United States to secure to the widows and orphans of deceased soldiers of the Enrolled Militia of this State, who died or have been killed in actual service, and to such soldiers of the same as have been wounded in the service of the State in the present rebellion, such pensions and bounty as may be allowed by the laws of Congress to the volunteer soldiers of the United States.

Approved February 15, 1864.

JOINT RESOLUTION: TO DESTROY UNION MILITARY BONDS.

Resolved by the General Assembly of the State of Missouri:

That the Governor is hereby authorized to appoint a committee from time to time, as often as he may deem necessary, to count and destroy all Union Military Bonds in the hands or possession of the Treasurer, and upon the production of the certificate of said committee of the amount destroyed

by them, the Treasurer shall be entitled to a credit for said amount. The committee shall receive the same pay as members of the General Assembly, to be paid out of any money in the treasury.
Approved February 13, 1864.

CONCURRENT RESOLUTION: TO ADJOURN SINE DIE.

Resolved by the Senate of the State of Missouri, the House concurring therein:

That the General Assembly will adjourn *sine die* on Tuesday, the 16th day of February, 1864.

Approved February 15, 1864.

SALARIES: EX-OFFICIO SUPERINTENDENT COMMON SCHOOLS.

AN ACT to fix the compensation of the *ex-officio* Superintendent of Common Schools in this State.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That as full compensation to the *ex-officio* Superintendent of Common Schools in this State, for services rendered as such, he shall receive and have the sum of four hundred dollars per annum from and after the 23d day of March, 1863, to be paid to him quarterly, as the salaries of other State officers are paid.

This act to take effect and be in force from and after its passage.

Approved February 10, 1864.

SALARIES: TREASURER AND AUDITOR'S OFFICE CLERKS.

AN ACT supplementary to an act to amend an act fixing the salaries of certain officers, approved March 3, 1857.

Be it enacted by the General Assembly of the State of Missouri :

That the book-keepers and clerks in the offices of Auditor and Treasurer shall receive a salary of one thousand dollars per annum, payable quarterly, as now provided by law.

This act to take effect from its passage.

Approved February 13, 1864.

SCHOOLS: COMMON.

AN ACT amendatory of an act entitled "an act to provide for the organization, support and government of common schools in the State of Missouri."

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| § 1. Certain words stricken out of a law. | § 4. Tax list to be publicly posted up. |
| 2. Trustees may levy and collect a certain tax. | 5. St. Louis county not included in this act. |
| 3. How taxes to be rated; last assessment to be taken as standard. | |

Be it enacted by the [General Assembly of the] State of Missouri, as follows :

§ 1. That the words "or shall have been assessed the same year, or the preceding year, to pay taxes therein," occurring in the third section of article fourth of the above recited act, be and the same is hereby stricken out.

§ 2. That the trustees of school districts throughout the State shall have power to levy and collect a tax for the payment of teachers and the support of schools in their respective districts; *provided*, the said tax so levied shall never exceed the sum of one hundred and fifty dollars in any one district during the same year.

§ 3. That it shall be the duty of the trustees, on or before the 15th day of May in each year, to determine the amount that shall be levied for that year, and to assess the taxes on all taxable property, real and personal, rateably, so as to raise the amount required in their district, with five per cent. added thereto for collectors' fees; and in making out said tax lists they shall be governed by the last assessment for State purposes, when the same can be ascertained.

§ 4. That after the tax list has been made out by the trustees of any district, three copies of the same shall be posted up in the most public places within the township where the tax is levied, thirty days before the same shall be placed in the hands of the collector.

§ 5. This act shall not apply to St. Louis county.

This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

SCHOOL FUND: DISTRIBUTION.

AN ACT to provide for the distribution of the State school moneys.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. It shall be the duty of the Secretary of State, as *ex-officio* Superintendent of Common Schools, on or before the 1st day of June, A. D. 1864, on and in pursuance of the reports of the number of children in each county, made and returned to his office for the year 1860, to distribute the State school moneys now on hand for the purpose of supporting common schools under existing laws, in proportion to the number of children in each county so reported.

This act to take effect from and after the passage thereof.

Approved February 16, 1864.

SCHOOLS: TRUSTEES.

AN ACT supplemental to an act to provide for the organization, support and government of Common Schools in the State of Missouri, approved December 12th, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That in case the qualified voters of any school district shall fail to elect trustees as provided by the fifth article of the act described in the title of this act, then the Common School Commissioner, or person acting as such, of the county embracing such district, shall have power and are [is] hereby directed to appoint three trustees for any district so failing to elect, who shall possess all the power and be subject to all the duties prescribed in said act.

This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

SAVINGS ASSOCIATIONS.

AN ACT to organize Savings Associations and to facilitate Exchanges.

- § 1. Five persons may organize an Association; powers and privileges of; St. Louis county excluded.
2. Must be at county seats; term of existence.
3. Five thousand dollars must be subscribed before an organization can be effected; capital stock may be \$100,000.
4. Real estate may be purchased and held.
5. By-laws adopted; President may be elected.
6. Stock may be transferred, how; number of directors; assignees may be directors.

- § 7. Stockholders to make out and have recorded a statement; what contained in statement.
8. New stock and assignments to be recorded.
9. When dividends to be declared.
10. Association to be a "body corporate and politic;" powers, privileges and liabilities of same; this act a public act.
11. How capital stock to be paid in.
12. Acts contrary hereto repealed.

WHEREAS, It is evident that banks of issue will cease to exist in this State, and that the "National Currency" issued by the Government of the United States must form and become the chief if not the entire paper circulation of the whole country, therefore, to provide safe places of deposit for the money of the people, where they can draw interest, and to afford facilities of exchange on different parts of the Union,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any five persons in any county in this State, except the county of St. Louis, who may organize themselves into a "Savings Association," shall be permitted to carry on the business of receiving money on deposit, and to allow interest thereon, when deposited for a period of ninety days, at the rate of three per cent. per annum, for one hundred and twenty days, four per cent. per annum, for six months, five per cent., and from nine to twelve months, six per cent. per annum, giving to the persons depositing certificates therefor, signed by the cashier of such association, and for all sums deposited, subject to be drawn for on demand, no interest shall be allowed; of buying and selling exchange, gold, silver coin, bullion, uncurrent money, bonds of the United States, of the State of Missouri, and of the city and county in which any "association" shall be organized; of loaning money on real estate and personal security, at a rate of interest not to exceed ten per cent. per annum, and of discounting negotiable notes, and notes not negotiable, and on all loans made may keep and receive the interest in advance.

§ 2. All such associations shall be organized at the county seats of the county, and every association shall continue for the period of forty years from and after the passage of this act.

§ 3. The persons so organizing shall be required, before commencing business, to subscribe in good faith upon the books of the association, the sum of at least five thousand dollars, which shall be considered as capital stock for the security of depositors, which sum may be increased from time to time, to any sum not exceeding one hundred thousand dollars.

§ 4. Each association may purchase and hold real estate sufficient for the purpose of carrying on its business, and may also purchase and hold real estate under executions in their favor, for the purpose of securing their debts, or may hold real estate or personal property by deed, mortgage, deed of trust or otherwise, for the purpose of securing any indebtedness due said association.

§ 5. Associations formed under this act may adopt by-laws for their government, not inconsistent with the laws and constitution of this State, or the United States; and may, from their own body, elect one person for president and for cashier, and fix the pay of each.

§ 6. Owners of stock, their executors and administrators, may sell and transfer the same on the books of the association, and such assignees may become directors of said association, but in no case shall there be more than five directors to any association.

§ 7. Before commencing business by any association formed under this act, the stockholders shall make out, under oath, a statement and have the same recorded in the recorder's office of the county in which such association is formed, showing and setting forth: 1st, the names of the members of the association; 2d, the capital stock that has been subscribed; 4th, the name of the president and cashier of the association; 5th, the name of the association, adding thereto only "Savings Association."

§ 8. When any additional stock is subscribed, and as often as subscribed, or when any assignment of stock shall be made, and as often as made, the cashier shall cause the name of the person subscribing, or the name of the assignee of such stock, to be recorded as above stated.

§ 9. Dividends of the net profits of such association shall be declared on the first days of July and January of each year.

§ 10. Every association formed under this act shall be a body corporate and politic, and by its title may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in all the courts of this State; may have and use a common seal, which they may change at pleasure; and this act is hereby declared to be a public act, and as such to be received and considered in all the courts of this State.

§ 11. The capital stock subscribed to any association organized under this act shall be paid up upon such calls and upon such terms, and in such manner as may from time to time be prescribed by the directors of such association.

§ 12. That all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 15, 1864.

SAVINGS INSTITUTIONS.

AN ACT to repeal an act entitled an act respecting Savings Institutions and other corporations doing a banking business.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The act entitled an act respecting Savings Institutions and other

corporations doing a banking business, approved February the 28th, is hereby repealed.

This act shall take effect and be in force from and after its passage.
Approved February 15, 1864.

SET-OFF.

AN ACT to amend an act entitled "an act respecting set-off," approved December 18, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. In all actions or suits at law, or any other legal proceeding after instituted by any county, city or town within this State against person for the enforcement, collection or recovery of any debt, demand or pecuniary liability, any debt, demand or claim existing, owing to such person, and held by him in his own right, against said city or town before and at the time of the commencement of said proceeding against such person, may be set-off against such debt, demand, or pecuniary liability of said county, city or town.

§ 2. All act or parts of acts in conflict or inconsistent with this act hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1864.

SLAVES.

AN ACT to repeal certain sections of an act concerning Slaves.

§ 1. 4th section of article 2d repealed.

§ 2. 8th section, same article, repealed.

§ 3. Owners may emancipate slaves, &c.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the fourth section of the second article of an act entitled "an act concerning slaves," approved March 5, 1845, be and the same hereby repealed.

§ 2. That the eighth section of the same article of said act be and is hereby repealed.

§ 3. That hereafter owners of slaves shall be permitted to emancipate them according to the provisions of the first section of the second article of said act of March 5, 1845, without other liabilities and restrictions than the Constitution of the State imposes.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 15, 1864.

STATUTES: REVISED.

AN ACT to reduce the price of the Revised Statutes of 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Secretary of State is hereby authorized to sell the Revised Statutes of 1855 at the price of one dollar per copy instead of five dollars, as heretofore.

This act to take effect from and after its passage.

Approved December 11, 1863.

TREASURER: STATE—SALARY OF.

AN ACT granting additional compensation to the Treasurer of the State of Missouri.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That in addition to the salary of \$1,750.00, as at present provided in the "act fixing the salaries of certain civil officers," approved November 27, 1855, the Treasurer of the State of Missouri shall receive for his services during the present fiscal year, beginning October 1, 1863, the sum of \$1,250.00, the same to be paid out of money appropriated to defray the civil expenses of the State.

This act to take effect from and after its passage.

Approved February 13, 1864.

and the said books shall be closed semi-annually on the first day of January and July in every year; and the profits of this corporation shall be distributed by the board of directors, in such manner as they may direct, to the stockholders and members of the several departments and divisions in this corporation; and the records of this corporation, or copies thereof, duly authenticated by the signature of the president and secretary, shall be competent evidence in any suit in which this corporation may be a party.

§ 36. All moneys received by the insurance department in its several divisions shall be deposited with the banking department, which shall be the treasurer of said divisions, and all discounts allowed by the insurance divisions, or bills, or funds paid, shall be by check; and the cashier of the banking department shall be the secretary of the insurance department in the several divisions, and shall hold his office during good behavior.

§ 37. Suits at law or in equity may be prosecuted by any member thereof against this corporation, and any member of the same in any department or division, not being in his individual capacity a party to such suit, shall be competent as a witness to such suits.

§ 38. Power to vote by proxy in this corporation shall be in writing and shall state the name of the person authorized to cast the vote, and shall be signed by the members from whom the powers are received, and they shall not be required to acknowledge the same before a public or other officer.

§ 39. All obligations and contracts for which this corporation is legally bound, prior to the passage of this act, are hereby declared legal and binding on the same, and no act heretofore committed by the said corporation shall be construed into a violation of its charter.

§ 40. This act shall be exempt from the operation of sections seven, thirteen, fourteen, fifteen and sixteen of "an act concerning corporations," approved November the twenty-third, eighteen hundred and fifty five.

All acts and parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed.

This act shall take effect from and after its passage.

Approved January 8, 1865.

BANKS: BANK OF ST. LOUIS.

AN ACT to enable the Bank of St. Louis to organize under an act of Congress to provide a national currency.

- § 1. Board of directors shall have power to do what; provided.
- § 2. When the bank shall have complied with the provisions of section one of this act and the act of Congress contained in the title of this act, their charter shall be deemed surrendered; provided.
- § 3. Bank Commissioner or his assistant to cancel all dies, plates, etc., when; Bank Commissioner to burn the circulation of the bank of St. Louis now in vault, and continue to do so; destruction to be performed in the presence of whom.
- § 4. Certificate of Comptroller of Currency shall be *prima facie* evidence.
- § 5. Bank of St. Louis shall be relieved from all provisions of law requiring elections to be held for directors; present directors may continue and shall have, what power; president shall publish notice, of what; notes not presented within certain time for redemption shall be forever debarred.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Board of Directors of the Bank of St. Louis shall have power and authority to do any and all acts necessary or proper to make and constitute the banking association of said Bank of St. Louis an association under the provisions of the act of Congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; and said board of directors shall also have power and authority to make the certificate of association required by said act; *provided*, that said board of directors shall first obtain the written acceptance of the provisions of this act from the holders of two-thirds of all the capital stock of said Bank of St. Louis.

§ 2. When said Bank of St. Louis shall have complied with the provisions of the first section of this act, and also with the said act of Congress, so far as to organize under the laws of the United States as a national bank, it shall be deemed to have surrendered its charter as a bank under the laws of this State; *provided*, that nothing in this act shall be construed so as to prevent said Bank of St. Louis from continuing as a body corporate for and during such term as may be deemed necessary for the purpose of prosecuting and defending suits by and against it, and enabling it to close its concerns, and to dispose of and convert its property and effects, but not for the purpose of continuing, under the laws of this State, the business for which it was established; and the said Bank of St. Louis is hereby continued as a body corporate for the purposes in this section designated, and no other.

§ 3. The Bank Commissioner or his assistant shall, on the presentation of the certificate of the Comptroller of the Currency authorizing the said Bank of St. Louis to commence business as a national bank, cause all plates and dies, and other material for printing the circulating notes of said Bank of St. Louis, to be canceled and destroyed in the presence of the president and cashier of said bank, and it shall be the duty of the Bank Commissioner to burn all the circulation of said Bank of St. Louis now in the vaults of said bank, and also to burn monthly such additional circulation of said bank as may be produced to him by the president thereof for that purpose. All such burning and destruction of said circulation shall be in the presence of the president and cashier of said bank, or of such committee as may be appointed by the board of directors for that purpose.

§ 4. The certificate of the Comptroller of the Currency, or a certified

copy thereof by the Comptroller, or from the records of the banks, authorizing the said association to commence the business of banking under the laws of the United States, shall be *prima facie* evidence in all the courts of the facts therein stated, and that the said association is a corporation under the laws of the United States, and entitled to sue and be sued in the courts of this State; and this act is hereby declared to be a public act.

§ 5. After receiving the certificate of the Comptroller of the Currency authorizing the said association to commence the business of banking under the laws of the United States, the said Bank of St. Louis shall be and is hereby relieved from all provisions of law requiring elections to be held for directors; and the present board of directors may continue as such to wind up and close the business of said bank as provided in section two of this act, and shall have power, by appointment, to fill all vacancies in this board which may occur; and the president of said bank shall publish a notice in some newspaper published in the city of St. Louis, for the period of sixty days, requesting the holders of its notes to present them for redemption in one year from the date of such notice; and all notes of said bank which are not presented for redemption within five years from the date of such notice shall be forever barred.

§ 6. This act shall take effect and be in force from and after its passage.

Approved January 31, 1865.

CEMETERIES: CHILLICOTHE.

AN ACT to incorporate the Chillicothe Cemetery Association.

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| <p>§ 1. Names of corporators; general corporate powers.</p> <p>2. First board of directors; officers; record to be kept; record evidence.</p> <p>3. Annual elections for officers.</p> <p>4. Real estate; how much and for what may be held; sale of lots, how made; lots not to be sold.</p> | <p>§ 5. Proceeds of lots, how applied.</p> <p>6. Capital stock.</p> <p>7. When debts paid, how funds to be applied.</p> <p>8. Bequests, gifts, etc.</p> <p>9. Penalties for injuring property.</p> <p>10. Property exempt from taxation.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That Charles Wigely, Benjamin Berry, John Gorr, John Hooper, Luther T. Collier, Richard T. Dunn, D. W. C. Edgerton, Levi Lingo and Frank P. Heame, and their successors forever, be and they are hereby created a body politic and corporate, by the name and style of the Chillicothe Cemetery Association, and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts in this State, and shall have and use a common seal, which

they may alter or change at pleasure, shall have a constitution and make such by-laws, rules and regulations under the same as may be deemed necessary for the good government of the corporation and the efficient management of its affairs, provided the same do not conflict with the general laws of the United States or of this State.

§ 2. The corporators aforesaid shall constitute the first board of directors under this act, elect one of their number president, appoint a secretary and treasurer, and such other officers as the board shall deem necessary. They shall keep a faithful record of their proceedings, copies of which, certified under the seal of the corporation, shall be received as evidence in all courts in this State, and they shall continue to act as such board of directors until their successors shall have been duly elected and qualified.

§ 3. On the first Monday in May, 1865, and on the first Monday in May of every year thereafter, an election shall be held by the stockholders of said association for a board of nine directors. Each stockholder shall be entitled to one vote for each share he may hold in the stock of said association.

§ 4. Said corporation shall have power to purchase and hold land not exceeding eighty acres, to be appropriated to and used as a cemetery, and for that purpose may divide the same into lots, streets, walks, alleys, etc.; may embellish the same with trees, shrubbery and flowers, or cause the same to be so embellished by any purchaser therein, and when thus laid out and dedicated, shall be forever held by said corporation for the purposes aforesaid, and none other. Said corporation may sell and convey, by deed signed by the president and attested by the secretary, under the seal of the corporation, any or all of the lots and subdivisions in said cemetery for the purpose aforesaid, subject to such conditions as may be prescribed by its by-laws, and every lot so sold and conveyed shall be held and used by the purchaser thereof for the purposes aforesaid, and none other, and shall not be subject to attachment or sale under execution, nor by order of any court, or be conveyed by the owner out of his family after any interments have been made in said lot.

§ 5. The net proceeds of the sale of said lots or subdivisions shall be expended in improving and embellishing the grounds of said cemetery, building suitable fences around the same, and erecting necessary buildings on the premises.

§ 6. The capital stock of said corporation shall be five thousand dollars, to be divided into shares of twenty-five dollars each.

§ 7. Whenever said corporation shall have sold a sufficient number of lots and subdivisions to pay off and liquidate the debts that have been incurred by said corporation, with at least ten per cent. interest on the debts so incurred, and will have on hand a certain amount of money, equal to the amount of stock paid in by the stockholders, with at least ten per cent. interest on the stock so paid in by the said stockholders, then the board shall determine by by-law to pay off the stockholders and provide for sinking the stock, but in no case shall the stockholders receive, besides the stock paid in, more than ten per cent. interest on the same.

§ 8. It shall be lawful for said corporation to hold any grant or bequest of money or property in trust, and to apply the same or the income thereof under the direction of said board for the improvement of the said cemetery,

Be it enacted by the General Assembly of the State of Missouri:

§ 1. The Assistant Circuit Attorney of the Judicial Circuit including the county of St. Louis shall receive in full compensation for his services the sum of two thousand dollars per annum, to be paid quarterly, out of the county treasury of St. Louis county.

§ 2. This act to take effect and be in force from and after its passage.
Approved February 17, 1865.

BANK COMMISSIONER: ASSISTANT.

AN ACT to abolish the office of Assistant Bank Commissioner.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The office of Assistant Bank Commissioner, created by an act entitled "an act to regulate banking institutions and create the offices of Bank Commissioner and Assistant Bank Commissioner," approved March 2, 1857, be and the same is hereby abolished.

§ 2. This act to take effect from its passage.
Approved February 20, 1865.

BANKS: ORGANIZED AS NATIONAL BANKS.

AN ACT in relation to State banks organizing under the law of Congress to furnish a national currency.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All bank notes or other liabilities against any bank of this State originally organized under the laws of this State, and which has organized or may organize under the law of Congress to furnish a national currency,

shall be presented within five years from the date of the certificate of the Comptroller certifying the organization of such bank; and if any bank note or notes, or other liabilities of any such bank so organized as a national bank, shall not be so presented within that time, the same not so presented shall be forever barred.

§ 2. Upon said bank receiving the certificate of the Comptroller, it shall, within one month thereafter, give notice to the holders of the bills of said bank of the time within which said bills must be presented for redemption, which notice shall be advertised at least six months in some public newspaper published at or nearest the place of location of said bank.

§ 3. All laws conflicting with or inconsistent with this act are hereby repealed.

§ 4. This act to take effect and be in force from and after its passage.
Approved February 17, 1865.

CENSUS: TO EXTEND TIME.

AN ACT to extend the time for taking the census of this State.

§ 1. Extension of time for taking census; when returns are to be made.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the sheriffs or other persons authorized to take the census of all the counties in this State, (except such as have already made return) shall have until the 20th day of February, 1865, to complete and make return of the same.

§ 2. This act to take effect and be in force from and after its passage.
Approved January 12, 1865.

CENSUS: TAKING OF.

AN ACT to amend an act entitled "an act regulating the mode of taking the census," approved November 17, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Section seven of "an act regulating judgments and decrees," approved the 1st day of December, 1855, is hereby repealed, and the following substituted:

§ 2. The writ of *scire facias* to revive a judgment shall be a writ sued out upon a petition filed in a court where the judgment was obtained, stating the cause of action and relief sought, as in other civil actions, and shall be in the same form and served in like time and manner on the defendant, his legal representatives, *terre* tenants or other persons occupying the land, as writs in ordinary civil actions, and be directed to and executed by the sheriff of any county in this State, and such cases shall be determined at the term at which the defendant is bound to appear, unless continued for cause, and proceeded with in every other respect as in suits on bond bills and notes.

§ 3. This act to take effect and be in force from and after its passage.

Approved February 15, 1865.

LANDS: DELINQUENT.

AN ACT in relation to the old forfeited list of land delinquent for taxes.

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| <p>§ 1. County clerks to give collectors certain lists; collectors to collect same.</p> <p>2. No further lists to be given collectors.</p> | <p>§ 3. Lands assessed together may be paid in part; collector to allot and separate same, when; collector may appeal to county court, when; how collector to receive and receipt for taxes.</p> <p>4. Time for redeeming lands sold under this act; how redeemed.</p> |
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WHEREAS, By the revenue act of February 4, 1864, sufficient time was not given for the proceedings therein contemplated for the sale and disposition of the lands included in the "old forfeited list," so called, in the year 1864, as therein provided; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It is hereby made the duty of the several clerks of the county courts who have not furnished the collectors with copies of the old forfeited lists, to deliver said copies, properly certified, to them, without unnecessary delay; and the respective collectors shall proceed to collect, advertise, procure judgments, and sell said lands on the first Monday in October next, in the same manner as is now provided by law.

§ 2. When the respective collectors have been furnished with the forfeited list aforesaid, nothing herein contained shall be construed so as to require the furnishing to them of any further list of the forfeited lands aforesaid.

§ 3. When any owner or claimant of any parcel or lot of land embraced in said old forfeited list shall wish to redeem the same, and pay the delinquent taxes thereon, and such parcel or lot of land shall have been assessed and taxed with any other parcel or lot of land which such claimant may not own or wish to redeem, it shall be the duty of the collector having such old forfeited list in charge for collection to apportion and allot, and he is hereby required to apportion and allot to the parcel of land so desired to be redeemed such portion of such delinquent taxes as in his judgment properly belongs thereto, and no more, so near as he may be able to ascertain, and, in case of doubt, either the collector or the party so desiring to pay such delinquent taxes may refer the same to the judgment of the County Court of the county where the land lies, to be adjudicated in a summary way, and the determination of such county court shall be final in the premises. The amount of such delinquent taxes against any particular lot of land being ascertained and tendered to the collector, it shall be his duty to receive and receipt for the same in the usual way, and return the taxes so satisfied as paid.

§ 4. Lands and lots of the old forfeited lists sold under the provisions of this act may be redeemed at any time before the first Monday of November, A. D. 1866, by the owner or claimant paying the collector double the amount for which the same was sold, together with all subsequent taxes thereon, with interest and costs.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 17, 1865.

LEGAL TENDER NOTES.

AN ACT to make United States legal tender notes and postage currency receivable for taxes and redemption from tax sales.

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| <p>§ 1. County collectors to receive at par for all taxes, United States legal tender notes and postage currency.</p> | <p>§ 2. Real estate sold for taxes may be received, in what funds.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That from and after the passage of this act, it shall be the duty of collectors of State, county and school taxes, and all taxes levied by

any law of this State, to receive at par United States legal tender notes and postage currency, when the same are tendered. The said postage currency being not receivable in larger sums than five dollars.

§ 2. That all real estate heretofore sold, or hereafter to be sold for such taxes, may be redeemed in the manner now prescribed by law with said treasury notes and postage currency, any law to the contrary notwithstanding.

§ 3. This act to be in force from and after its passage.

Approved February 20, 1865.

LICENSE: MERCHANTS.

AN ACT amendatory of an act entitled "an act to tax and license merchants," approved March 14, 1859.

§ 1. License shall authorize merchants to sell, what; vinous, fermented or spirituous liquors not to be drank at the storehouse, stand, etc., of the vendors; privileges of dealers in drugs and medicines.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The license required by the act of which this is amendatory shall authorize any merchant to sell vinous, fermented and spirituous liquors in any quantity, not to be drank at his store, stand or warehouse, or other place of business; but no such license, however, shall authorize any merchant to sell vinous, fermented or spirituous liquors in any quantity, to be drank at his store, stand or warehouse, or other place of business. A dealer in drugs and medicines may, notwithstanding, sell such liquors in any quantity, when it is to be used for medicinal purposes.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 20, 1865.

MILEAGE: CONVENTION.

AN ACT in relation to mileage of the members of the State Convention.

§ 1. What mileage allowed; per diem of President.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the members of the State Convention now in session in the city of St. Louis, be and they are hereby allowed five dollars mileage for every twenty-five miles of traveling in going to and returning from the convention, and five dollars per day each for the time actually employed in going and returning. The President of said convention shall be entitled to the same per diem as is allowed by law to the Speaker of the House of Representatives.

§ 2. This act to take effect from its passage.

Approved February 17, 1865.

MILEAGE: LEGISLATURE.

AN ACT fixing the per diem and mileage of members of the General Assembly of the State of Missouri.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The members of the General Assembly of the State of Missouri, beginning with the Twenty-third General Assembly thereof, shall receive as compensation for their services the sum of five dollars per day for each and every day they may serve as such, and for every day they may necessarily be employed in going to and from said General Assembly; and each member of the General Assembly shall receive five dollars for every twenty-five miles which he must travel in going from his residence to the place of meeting and returning thence, and at the same rate for a less or greater distance, to be estimated by the most usual route; provided that the Lieutenant Governor and President *pro tem.* of the Senate, the Speaker of the House and Speaker *pro tem.* thereof, shall receive seven dollars per day each for every day they may preside over their respective bodies.

§ 2. All laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1865.

call out the whole or such part of the first or second classes at any time he may see proper, for the purpose of organization and drills, but neither of said classes shall be kept in their camps of instruction for more than twenty days in any one year. The second class will only be called out to camps of instruction after they are fully organized. All the organizations of troops under this act shall be instructed in drill, discipline, camping and manuevering, but when troops are called out for active service, the first class shall always be first called out, except in cases of actual or threatened invasion.

§ 41. The publication of the proclamation of His Excellency, the Governor, shall be deemed sufficient notice to all persons subject to military duty to report to their commanding officer for duty.

§ 42. The Commander-in-Chief shall designate, by order, a time in each year for the militia to repair to their camps of instruction, and shall, in person or by competent aids, review and inspect the troops so assembled, and shall detail proper officers to superintend the drill and instruction of troops, and to report on the competency of commissioned officers. Such service by the troops shall be called a "General Muster."

§ 43. It shall be lawful for the Commander-in-Chief to call into service such platoons, companies or battalions of the first class, and to accept the services of such persons of the second class as he may deem necessary, to constitute a police force for their respective counties, or may, in lieu thereof, call for and accept the services of volunteers for such service; and the commanding officer of the district shall detail such officer or officers for command of such volunteer force as in his discretion may be necessary.

§ 44. All the taxes provided in this act to be assessed and collected shall be assessed and collected for the year 1866 and every year thereafter, and all taxes provided to be levied, assessed and collected in section twelve of an act entitled "an act to provide the means for the payment and support of the Enrolled Militia forces of the State of Missouri," approved March 9, 1863, shall still be assessed and collected for the year 1865, and paid into the treasury as provided for in the said act.

§ 45. All Union Military Bonds now outstanding, and all bonds which may be hereafter issued and paid to the militia forces of this State for services actually rendered, shall be received by the respective collectors of the revenue, for all assessment dues and fines imposed by this act, and also for fifty per cent. of all State taxes for the year 1865, and every year thereafter.

§ 46. Sections ten and eleven of an act entitled "an act to provide for the payment and support of the Enrolled Militia forces of the State of Missouri," approved March 9, 1863, also an act amendatory of and supplemental to an act entitled "an act to provide the means for the payment and support of the Enrolled Militia forces of the State," approved March 23, 1863, are hereby repealed; *providing*, that nothing in this act shall be construed to prevent the collection of any of the commutation taxes now due.

This act to take effect and be in force from and after its passage.

Approved February 10, 1865.

MILITIA: PAY OF.

AN ACT for the payment of arrears due the Enrolled Militia for services actually rendered to the State.

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| <p>§ 1. Union Military Bonds to issue; denomination of bonds; interest and date of payment of bonds.</p> <p>2. Devices on bonds, how determined; kind of paper; appropriation to pay for.</p> <p>3. Form of bonds; Secretary and Auditor allowed certain compensation; how approved and paid.</p> <p>4. To whom bonds, when prepared, to be delivered; Auditor to take triplicate receipts; where deposited; how Paymasters to pay; rolls to be furnished him; quarterly statements to be made, to whom.</p> | <p>§ 5. Officers receiving bonds for taxes; on what terms.</p> <p>6. Defense Warrants, none to issue; no bonds to issue on condition.</p> <p>7. Deceased and disbanded soldiers; rules about; allowances for horses; Pensions not to be paid; officers not confirmed may be paid.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. For purpose of paying the Enrolled Militia the arrears now due them for services actually rendered to the State, the Governor is hereby authorized and directed to cause to be issued State bonds in the sums of one, three, five, ten, twenty and fifty dollars each, not to exceed in amount two million dollars, and which shall be known as "Union Military Bonds," and shall be payable at the office of the State Treasurer, in Jefferson City, Missouri, twelve months after date, with six per cent. interest from date, out of the Union Military Fund provided in an act entitled "an act to provide the means for the payment and support of the Enrolled Militia forces of the State," approved March 9, 1863, and shall be redeemable thereafter at any time at the pleasure of the State.

§ 2. The Treasurer and Auditor, with the advice and consent of the Governor, shall determine the device or devices which said bonds shall bear to prevent counterfeiting, and shall cause the same to be printed on a good quality of bank note paper, of the usual size of "United States legal tender notes," at the earliest possible period; and the Governor is hereby authorized to contract for the engraving and printing of said bonds, on such terms as he shall deem best, and to pay for the same out of any money in the treasury not otherwise appropriated.

§ 3. Said bonds shall be in the form as those provided in the aforesaid act of March 9, 1863, except that February, 1865, shall be inserted instead of March, 1863, and shall each be numbered and registered on the day of the date thereof in the Auditor's office, and when so registered, shall be countersigned by the Auditor and signed by the Secretary of State, who are hereby authorized to cause the same to be done by their chief clerks, if necessary to expedite the issue of said bonds, and the said Secretary and Auditor shall be entitled to a reasonable compensation for the duties required of them by this act, not to exceed four hundred dollars. Their account to be approved by the Governor, and paid out of any money in the treasury not otherwise appropriated.

§ 4. When said bonds are prepared as above required, they shall be

delivered by the Auditor to such officer or officers as shall be appointed and commissioned by the Governor, and assigned to the duty of paymasters for that purpose, in such sums as may be necessary for the payment of the Enrolled Missouri Militia for arrears now due them for services actually rendered, and the Auditor shall take triplicate receipts therefor, one of which shall be filed in his own office, and one in the office of the Treasurer, and one in the office of the Paymaster General, and the said Paymaster shall only pay out said bonds to the militia aforesaid on pay rolls to be furnished him by the Adjutant General or Paymaster General, and he shall make returns thereof to the proper officer, and make quarterly settlements with the Paymaster General, who shall settle quarterly with the Auditor of Public Accounts, and file with him copies of said pay rolls, with the proper receipts for his payments thereon.

§ 5. All officers or other persons who may receive any of the said bonds for taxes or any other purpose, shall be governed by the same provisions and restrictions as are contained in an act entitled "an act to provide the means for the payment and support of the Enrolled Militia forces of the State of Missouri," approved March 9, 1863, with respect to the State bonds therein authorized to be issued, and all the provisions of the aforesaid act for the punishment of counterfeiting, and also authorizing banks and corporations to receive them, shall also apply to the bonds authorized to be issued under this act.

§ 6. No issue of Defense Warrants shall hereafter be made, and should the Congress of the United States, during its present session, pass an act to furnish means to pay the liabilities of the State incurred for the military defense thereof, then, and in that case, the bonds hereby authorized shall not be issued; but the militia shall be paid out of the funds thus furnished by Congress.

§ 7. It shall be the duty of the Paymaster General to prescribe proper rules and regulations for the payment of all disbanded and deceased soldiers who have rendered service in the Enrolled Missouri Militia, including the provisional regiments, immediately after the issuing of said bonds, in accordance with the pay rolls in the Paymaster General's and Adjutant General's offices, so that the payments may be made to the soldiers in person, or to his agent or attorney, or on pay certificates regularly signed and acknowledged before a proper officer, and, in case of a deceased soldier, to his widow or heirs; and in case the soldier was mounted on his own horse, he shall be allowed fifty cents per day for said horse, *provided*, that no payment in any case shall be made to any of the militia known as the Pawpaw organization; and *provided further*, that no officer who has performed actual service under the orders of the Commander-in-Chief, whose nomination has not been made to the Senate, shall be deprived of his pay in consequence thereof; but any such officer may be paid by the Paymaster if his pay account is in the regular form and approved by the Governor.

This act to be in force from and after its passage.

Approved February 20, 1865.

MILITIA AND MILITARY: UNION MILITARY BONDS.

AN ACT concerning Union Military Bonds.

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| § 1. Any collector of the revenue concerned in the purchase of Union Military Bonds to be guilty of a misdemeanor; upon conviction to pay what penalty. | § 2. Duty of judges of circuit and criminal courts. |
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. Any collector of the revenue, or his deputy, who shall, directly or indirectly, be concerned in the purchase of Union Military Bonds at a discount, shall be deemed guilty of a misdemeanor, and shall be subject to indictment therefor, and upon conviction thereof, he shall be fined in a sum double the amount of the bond or bonds so purchased, and said fine shall be paid into the county treasury to the credit of the school fund.

§ 2. It is hereby made the duty of the judges of the circuit courts and of the Criminal Court of St. Louis county to give this act in charge to the grand jury at every term of their several courts.

This act shall take effect from its passage.

Approved February 20, 1865.

MILITIA AND MILITARY: UNION MILITARY BONDS.

AN ACT concerning the redemption of Union Military Bonds.

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| § 1. Auditor to compute and allow interest on bonds; Auditor to draw on fund, when. | § 2. Collectors to take receipts from persons to whom interest is allowed; form of receipt; duty of Auditor as to these receipts. |
| | 3. Acts contrary to this repealed. |

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The Auditor of Public Accounts shall compute and allow interest upon Union Military Bonds, whenever they are presented for redemption; and when there is a sufficient amount available for such redemption in the "Union Military Fund," then the Auditor shall draw his warrant upon the said Union Military Fund for the amount of such bonds and interest.

§ 2. Every collector allowing interest to tax payers upon Union Military Bonds, as provided by law, shall take a receipt for all such interest allowed, which receipt shall be substantially of this form: "I, A. B., have this — day of — 186—, received of C. D., collector of — county, Missouri, the sum of — dollars, interest upon — dollars of Union Military Bonds, in the payment of my taxes. Date of bonds. A. B." Such receipts shall be audited by the Auditor of Public Accounts, and when allowed, shall be placed to the credit of the respective collectors.

§ 3. All provisions of former acts inconsistent with this act are hereby repealed.

This act to take effect from its passage.

Approved February 15, 1865.

MILITIA AND MILITARY: VOLUNTEERING.

AN ACT to encourage volunteering in the United States military service.

§ 1. Counties may give additional bounty. | § 2. Additional bounty not to exceed, what.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That in all counties in this State which have given, or may hereafter give a bounty, and assess and levy a tax in accordance with the provisions of an act entitled "an act to encourage volunteering in the United States military service," approved February 6, 1864, it shall be lawful for the several county courts in such counties, and they are hereby empowered to give an additional bounty to all citizens or residents of their respective counties who have, or may hereafter volunteer, be drafted into or furnish substitutes for the military service of the United States, during the present civil war.

§ 2. The additional bounty mentioned in the preceding section to be given to such volunteers, drafted person or person furnishing a substitute, shall not exceed the amount of tax assessed or levied against them respectively in accordance with the aforementioned act.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 8, 1865.

MINORS: DELINQUENT TAXES.

AN ACT for the relief of minors.

§ 1. Real estate of minors sold for delinquent taxes may be redeemed upon the payment, of what.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That any lands, city or town lots, belonging to minors or in which they may have an interest, which may have heretofore been sold for taxes due thereon, and bid in by the State, or which are now delinquent for taxes, may be redeemed at any time within two years from the passage of this act, upon the payment of the amount of the taxes, with six per cent. interest thereon and costs.

This act to take effect and be in force from the date of its passage.

— Approved February 20, 1865.

MISCELLANEOUS: AFRICAN DESCENT—PERSONS OF.

AN ACT to repeal certain acts and parts of acts relating to persons of African descent.

WHEREAS. The people of the State of Missouri, in convention assembled, have solemnly ordained that there shall be neither slavery nor involuntary servitude in this State, except in punishment for crime, whereof the party shall have been duly convicted, and that all persons held to service or labor as slaves shall be free; and, whereas, the Governor of this State, by authority of the supreme executive power vested in him by the constitution thereof, has issued his proclamation, declaring that no person within the jurisdiction of this State shall ever be subject to any abridgment of his liberty, except such as the law shall prescribe for the common good, or know any master but God; and, whereas, also it is right and proper that this Legislature should conform its action to the manifest will of the people, by repealing all laws recognizing the right of property in man, or intended to protect or perpetuate the institution of slavery in this State; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That so much of sections 13, 36, 45, 60, 61, 62 and 63 of article-

some officer competent to take acknowledgments of deeds for real estate in Barton county.

This act shall take effect from and after its passage.

Approved February 20, 1865.

BANKS: MERCHANTS'.

AN ACT to enable the Merchants' Bank of St. Louis and branches to wind up their business or to organize under the law of Congress entitled "an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864.

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| <p>§ 1. Meeting to wind up affairs; notice, how given of meeting, where held; voting, how conducted, and who may vote.</p> <p>2. Two-third vote necessary to wind up; charter under State rendered up; when; bank to have time to settle up affairs, etc.</p> <p>3. Parent bank board to settle affairs of branches; business of branches done at St. Louis; no election of directors required; vacancies, how filled; board may transfer the winding up of its business to national bank; notice of transfer; may resume the winding up; new place to be had.</p> | <p>§ 4. Merging stock into national bank; two-thirds necessary to so merge stock; stock, if merged, how disposed of; when Merchants' Bank to be in liquidation.</p> <p>5. Stockholders in bank to receive certificates of stock in national bank; how accounts of parties settled; all stockholders to be equally privileged.</p> <p>6. Certificate of Comptroller, evidence of what; this act public.</p> <p>7. Notice of liquidation given, how; time allowed to redeem circulation.</p> <p>8. Contrary acts repealed.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Merchants' Bank of St. Louis, with the branches of said bank may, by the President of the parent bank, call a meeting of their stockholders, to be held at the parent bank at any time, by notice published in at least one newspaper in the city of St. Louis, and in one newspaper published in the county in which each branch is located, if there be a paper published in such county, twenty days before such meeting, to vote upon a proposition to wind up its affairs, such voting to be superintended by at least three stockholders. Each shareholder in the bank and branches shall have one vote for each share of stock he or she may own, and may vote in person or by proxy, as may also administrators and executors of estates in this and other States, on depositing with the bank a certificate of the court granting them letters of administration.

§ 2. If two-thirds in interest of those who may vote on the day fixed shall be in favor of winding up, then said Merchants' Bank and its branches shall be considered in liquidation and shall be deemed to have surrendered its charter as a bank under the laws of this State, provided

that nothing in this act shall be so construed as to prevent said Merchants' Bank of St. Louis from continuing as a body corporate for and during such term as may be necessary for the purpose of prosecuting and defending suits for and against it, and of enabling it to close up its concerns and to dispose of and convert its property and effects, and to renew notes and bills due it from time to time to secure their ultimate payment, and to afford relief to its debtors.

§ 3. The board of directors of the parent bank, should the stockholders decide to wind up under this act, shall be empowered to settle and adjust the business of the branch banks, and the liabilities and debts of and to the branch banks are hereby made payable at the said parent bank in St. Louis, unless said board of directors may elect to establish an agency in the county in which a branch was located for the winding up of such branch, under the supervision of said board; and said parent bank and branches shall be relieved from all provisions of law requiring elections to be held for directors; and the board of directors of the parent bank may continue as such to wind up and close the business of said bank and branches, as provided in this act, and shall have power by appointment to fill all vacancies in the board which may occur; but the board of directors may transfer the winding up and management of their business to any board of directors of any bank established under the act of Congress to provide a national currency, approved June 3, 1864, they may select, and when so transferred, public notice thereof shall be given in one or more newspapers published in the city of St. Louis, and thereafter the said national bank shall be the place of business of such bank; provided, however, that the directors of any such bank may resume the business of closing up their affairs, and when so resumed another place of business shall be provided and kept.

§ 4. At the same time the meeting of stockholders is called, as provided in section one of this act, they shall vote upon a proposition to merge a portion of the stock of the Merchants' Bank of St. Louis, and branches, not less than forty per cent. nor more than seventy-five per cent. of same, the amount to be determined by the board of directors, into a bank to be established under the act of Congress "to provide a national currency," etc., approved June 3, 1864, instead of winding up in full, as provided in sections two and three of this act; and if two-thirds in interest of those who shall vote on the day fixed, as provided in section one of this act, shall be in favor of merging a portion of the stock of the said Merchants' Bank and branches as proposed above in this section, the said Merchants' Bank shall pay over to the national bank into which it is proposed to merge a portion of the stock of said Merchants' Bank of St. Louis and branches such a sum of money as the board of directors may apportion to said national bank as the capital thereof, and as soon thereafter as the board of directors of the proposed national bank shall exhibit to the board of directors of the Merchants' Bank of St. Louis the certificate of the Comptroller of the Currency authorizing said institution to commence business as a national bank, the said Merchants' Bank of St. Louis and branches shall be considered to be in liquidation, as provided in section two of this act, and the board of directors shall proceed to wind up the portion of the assets not merged into stock of the national bank, as set forth in this act for the general winding up of the business of the Merchants' Bank of St. Louis.

§ 5. Should the stockholders of the Merchants' Bank of St. Louis and branches elect to wind up, as proposed in section four of this act, then each stockholder shall surrender his certificate of stock issued by said Merchants' Bank of St. Louis, and shall receive therefor a certificate of stock in the proposed national bank, proportioned in amount as nearly as may be as the capital of said national bank is proportioned to the capital of the said Merchants' Bank of St. Louis and branches, and shall receive a certificate of stock in the Merchants' Bank of St. Louis for the balance; so that the two certificates of stock shall, taken together, amount to as much stock as was represented by the surrendered certificate, the treatment of the fractions that may arise in this settlement to be determined by the board of directors of the Merchants' Bank of St. Louis; *provided*, that holders and owners of stock in the branch shall have like and equal privileges and rights with stockholders in the parent bank.

§ 6. Should a national bank be organized as proposed in this act, the certificate of the Comptroller of the Currency, or a certified copy thereof by the Comptroller or from the records of the bank, authorizing said bank to commence the business of banking under the laws of the United States, shall, in all courts, be evidence of the facts therein stated and recited, and that said bank is a corporation under the laws of the United States, and entitled to sue and be sued; and this act is hereby declared to be a public act.

§ 7. The President of the Merchants' Bank of St. Louis, should the stockholders by their vote, as proposed in this act, decide to wind up the business of the bank and branches, shall publish a notice for the period of sixty days in one or more newspapers published in the city of St. Louis that the said bank and branches have gone into liquidation, and requesting holders of their notes to present them for redemption at the place of business of the bank, as provided in section three of this act, in one year from the date of such notice, and all notes of said bank and branches not presented for redemption within three years from the date of such notice shall be forever barred.

§ 8. All acts and parts of acts in conflict with this act is [are] hereby repealed, and this act to take effect and be in force on and after its passage.

Approved February 20, 1865.

BANKS: UNION.

AN ACT to enable the Union Bank of Missouri to organize under an act of Congress to provide a national currency.

- § 1. Bank, how changed to national bank; certificate of association, how made.
2. Branch bank, papers, etc., to be removed to parent bank; no branch bank to be maintained; parent bank liable for branch banks.
3. Parent bank to settle business of branch banks; dues of branches paid at St. Louis.
4. Charter under State surrendered, when; bank may wind up its business; do nothing else.

5. Bank Commissioner to destroy plates, etc., when; president, etc., to be present when plates destroyed.
6. Certificate of Comptroller, evidence of what public act, this.
7. No more directors elected; parent bank to wind up affairs; fill vacancies, etc.; notice of liquidation; time allowed for redemption of circulation; notes burned, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Board of Directors of the Union Bank of Missouri, at St. Louis, shall have power and authority to do any and all acts necessary and proper to make and constitute the banking association of said Union Bank of Missouri an association under the provisions of the act of Congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and said board of directors shall also have power and authority to make the certificate of association required by said act; *provided*, that said board of directors shall first obtain the written acceptance of the provisions of this act from the holders of two-thirds of all the capital stock of said Union Bank of Missouri.

§ 2. Under the direction of the parent bank of St. Louis, all books, papers, notes and assets of every description appertaining or in any wise belonging to the branch banks of said Union Bank of Missouri may be removed to the parent bank at St. Louis, and said parent bank shall be relieved from maintaining branch banks, provided that the holders and owners of capital stock in the branch banks shall have like and equal privileges and rights with stockholders in the parent bank after such removal, and provided that the parent bank and branches so consolidated shall be liable for and pay all debts and liabilities of the branches.

§ 3. The parent bank at St. Louis is empowered to adjust and settle the business of all the branch banks, and to collect or renew all debts due or to become due to the branch banks, and all liabilities and debts of the branch banks are hereby made payable at the said parent bank at St. Louis.

§ 4. When said Union Bank of Missouri shall have complied with the provision of the first section of this act, and also with the act of Congress, so far as to organize under the laws of the United States as a national bank, it shall be deemed to have surrendered its charter as a bank under the laws of this State; *provided*, that nothing in this act shall be construed so as to prevent the said Union Bank of Missouri from continuing as a body corporate for and during such term as may be deemed necessary for the purpose of prosecuting and defending suits by and against it, and enabling it to close up its concerns, and to dispose of and convert its property and effects, but not for the purpose of continuing under the laws of this State the business for which it was established. And the said Union Bank of Missouri (after said first section shall have been complied with and such organization perfected) is hereby continued as a body corporate for the purpose in this section designated, and no other.

§ 5. The Bank Commissioner, or his assistant, shall, on presentation of the certificate of the Comptroller of the Currency authorizing the said Union Bank of Missouri to commence business as a national bank, cause all plates and dies and other material for printing the circulating notes of the said Union Bank to be canceled and destroyed in the presence of the president and cashier of the said bank, and it shall be the duty of the Bank Commissioner to burn all the circulation of the said Union Bank of Missouri in the vaults of said bank, and also to burn monthly such additional circulation of said bank as may be produced to him by the president thereof for that purpose. All such burning and destruction of said circulation shall be in the presence of the president and cashier of said bank, or such committee as may be appointed by the board of directors for that purpose.

§ 6. The certificate of the Comptroller of the Currency, or a certified copy thereof by the Comptroller, or from the records of the bank, authorizing the said association to commence the business of banking under the laws of the United States, shall be *prima facie* evidence in all courts of the facts therein stated, and that the said association is a corporation under the laws of the United States, and entitled to sue and be sued in the courts of this State, and this act is hereby declared to be a public act.

§ 7. After receiving the certificate of the Comptroller of the Currency authorizing the said association to commence the business of banking under the laws of the United States, the said Union Bank of Missouri shall be and is hereby relieved from all provisions of law requiring elections to be held for directors, and the board of directors of the parent bank of St. Louis, as existing and organized at the date of the receipt of such certificate, may continue as such to wind up and close the business of said bank, as provided in section four of this act, and shall have power by appointment to fill all vacancies in the board which may occur, and the president of said bank shall publish a notice in two daily newspapers having the largest circulation published in the city of St. Louis, for the period of sixty days, requesting the holders of its notes to present them for redemption in one year from the date of such notice, and all notes of said bank which are not presented for redemption within five years from the date of such notice shall be forever barred.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 18, 1865.

BANKS: MECHANICS'.

AN ACT for the benefit of the Mechanics' Bank of St. Louis, Missouri.

§ 1. Allowed to charge exchange rate. | § 2. Contrary acts repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Mechanics' Bank of St. Louis shall be allowed to charge a reasonable rate of exchange, not exceeding one per cent., on time bills payable outside of the State.

§ 2. All acts and parts of acts in conflict with the provisions of act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 16, 1865.

BANKS: BANK OF MISSOURI.

AN ACT for the benefit of the Bank of the State of Missouri.

§ 1. May charge and collect a reasonable rate of exchange in addition, to what.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Bank of the State of Missouri is hereby authorized to charge and collect a reasonable rate of exchange, in addition to discount or interest, on bills of exchange payable after date, or sight, such rate not to exceed one per centum.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 8, 1865.

BANKS AND INSURANCE: NATIONAL BANKING AND INSURANCE COMPANY.

AN ACT to consolidate into one the charter and amendments thereof of the National Banking and Insurance Company, and to add the power of insuring on the mutual plan, and to amend.

APPENDIX,

CONTAINING THE CONSTITUTION ADOPTED BY THE CONVENTION OF 1865, THE
PROCLAMATIONS OF THE RATIFICATION THEREOF BY THE PEOPLE,
AND THE ORDINANCES ADOPTED BY THE CONVENTION.

*Adopted
4/5/65*

CONSTITUTION

OF THE STATE OF MISSOURI, AS REVISED, AMENDED, AND ADOPTED IN CONVENTION,
BEGUN AND HELD AT THE CITY OF ST. LOUIS, ON THE SIXTH DAY OF
JANUARY, EIGHTEEN HUNDRED AND SIXTY-FIVE.

ended Apr 10, 1865

We, the people of the State of Missouri, grateful to Almighty God, the Sovereign Ruler of nations, for our State government, our liberties, and our connection with the American Union, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this revised and amended Constitution:

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

1. That we hold it to be self-evident, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness;
2. That there can not be, in this State, either slavery or involuntary servitude, except as a punishment of crime, whereof the party shall have been duly convicted;
3. That no person can, on account of color, be disqualified as a witness; or be disabled to contract, otherwise than as others are disabled; or be prevented from acquiring, holding, and transmitting property; or be liable to any other punishment, for any offense, than that imposed upon others for a like offense; or be restricted in the exercise of religious worship; or be hindered in acquiring education; or be subjected, in law, to

and after that day, there shall not be in said county any other court of record having civil jurisdiction, except a Probate and a County Court. The additional judges of the Circuit Court of the county of St. Louis, authorized by this section, shall be appointed by the governor, with the advice and consent of the Senate, and shall hold their offices until the next general election of judges of Circuit Courts, when the whole number of the judges of said court shall be elected. At the first session of said court, after the judges thereof who are elected in the year one thousand eight hundred and sixty-eight shall have assumed office, the said judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years, after the election in that year, one judge of said court shall be elected, to hold office for the term of six years from the first Monday of January next ensuing. The General Assembly shall have power to increase the number of the said court, from time to time, as the public interest may require. Any additional judges authorized shall hold office for the term of six years, and be elected at a general election, and enter on their office upon the first Monday of January next ensuing.

Sec. 10. The provisions contained in this Article, regarding an election to be held to fill a vacancy in the office of judges of the Supreme and Circuit Courts, shall have relation to all vacancies occurring after the year one thousand eight hundred and sixty-eight, up to which time any such vacancy shall be filled by appointment by the governor, or if he be sick, absent, or from any cause unable to hold any term of court or any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

Sec. 18. No person shall be elected or appointed a judge of the Supreme Court, nor of a Circuit Court, before he shall have attained to the age of thirty years, and have been a citizen of the United States five years, and a qualified voter of this State three years.

Sec. 19. Any judge of the Supreme Court or the Circuit Court, may be removed from office, on the address of two-thirds of each house of the General Assembly to the governor, for that purpose; but each house shall state, on its respective journal, the cause for which it shall wish the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct; but no judge shall be removed in this manner for any cause for which he might have been impeached.

Sec. 20. The judges of the Supreme Court, and the judges of the Circuit Courts, shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during the period for which they were elected.

Sec. 21. The Circuit Court shall exercise a superintending control over all such inferior courts in their respective circuits.

Sec. 22. The Supreme Court and the District Courts shall appoint their respective clerks. Clerks of all other courts of record shall be elected by the qualified voters of the county in their respective circuits.

Sec. 23. Inferior tribunals, to be known as County Courts, shall be established in each existing law of this State to the contrary notwithstanding.

Sec. 24. Inferior tribunals, to be known as County Courts, shall be established in each county for the transaction of all county business. In such courts, or in such other tribunals inferior to the Circuit Courts as the General Assembly may establish, shall be vested the jurisdiction of all matters appertaining to probate business, to granting letters testamentary and of administration, to settling the accounts of executors, administrators and guardians, and to the appointment of guardians, and such other jurisdiction as may be conferred by law.

Sec. 21. No clerk of any court established by this Constitution, or by any law of this State, shall apply to the own use, from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may may deem necessary and may allow; but all surpluses of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

Sec. 25. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be provided by law.

Sec. 26. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" and all indictments shall conclude "against the peace and dignity of the State."

Sec. 27. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and all judges of the court, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State.

Sec. 28. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

ARTICLE VII.

JUDGMENTS.

Section 1. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and all judges of the court, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State.

Sec. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

BANKS AND CORPORATIONS.

Section 1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the General Assembly shall provide, by law, individuals and corporations from issuing bills, checks, tickets, promissory notes, or other paper, to circulate as money.

Sec. 2. No law shall be passed reviving or re-chartering any act heretofore passed granting or renewing the transaction of its business, within one year from the time such act took effect, unless such other time may have been prescribed in such act for such organization.

Sec. 3. The General Assembly shall, at its first session after this Constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of Congress; and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

Sec. 4. Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered, amended, or repealed.

Sec. 5. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

ARTICLE VIII.

BANKS AND CORPORATIONS.

SECTION I. No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money, and the General Assembly shall prohibit, by law, individuals and corporations, from issuing bills, checks, tickets, promissory notes or other paper to circulate as money.

II. No law shall be passed, reviving or re-enacting any act heretofore passed, creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

III. The General Assembly shall at its first session after this constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of Congress, and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

IV. Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws, and special acts passed pursuant to this section may be altered, amended, or repealed.

V. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof by a direct vote upon the question shall have decided in favor of such incorporation.

VI. Dues from private corporations shall be secured by such means, as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum at least equal in amount to such stock.

ARTICLE IX.

EDUCATION.

SECTION I. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools for the gratuitous instruction of all persons in this State between the ages of five and twenty-one years.

II. Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children, without regard to color.

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AN ORDINANCE

FOR THE ORGANIZATION AND GOVERNMENT OF THE MISSOURI MILITIA.

Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:

SECTION 1. All able-bodied male inhabitants of the State of Missouri shall be liable to military duty under this Ordinance, except as is hereinafter provided; and, when organized, shall constitute and be known and designated as the "Missouri Militia."

Sec. 2. Persons over the age of forty-five years, and under the age of eighteen years; United States mail carriers, when actually employed as such; United States and State officers; one miller to each public mill, and an engineer for the same, when actually employed in said capacity; teachers of public schools; ministers of the gospel; regular practicing physicians, and railroad employees, shall be exempt from duty in the militia, and shall be entitled to, and receive from, the "enrolling officer," a "certificate" to that effect, on producing to said "enrolling officer" satisfactory evidence of their respective avocations or employments.

Sec. 3. There shall be an enrolling officer for each county, with the rank of a lieutenant, appointed by the commanding officer of each sub-district, whose duty it shall be to enroll all persons in said county, liable to do military duty, once in each year; and all enrollments heretofore made under existing laws shall be taken and considered as made under this Ordinance.

Sec. 4. The militia, as soon as enrolled, shall be organized into platoons, companies, regiments, and brigades. A platoon shall be composed of not less than thirty-two nor more than forty-six privates, two sergeants, four corporals, and one lieutenant. A company shall consist of the number of men, commissioned and non-commissioned officers, prescribed by the revised regulations of the Army of the United States. A regiment shall consist of eight companies or more, with the number of field and staff officers prescribed by "Army Regulations" for the particular branch of service to which it may be assigned. A brigade shall consist of three or more regiments.

Sec. 5. Platoons or companies, as soon as organized, shall elect their commissioned officers; which officers, together with all brigade, regimental, and staff officers, appointed by the Governor, and all non-commissioned company officers, shall, before commissions or warrants, as the case may be, shall [be] issued to them, take and subscribe the following oath: "I, A. B., aged — years, of the county of —, in the State of Missouri, and a native of —, do, on oath (or affirmation), declare that I have not, during the present rebellion, taken up arms or levied war against the United States, nor against the State of Missouri; nor have I willfully adhered to the enemies of either, whether domestic or foreign, by giving aid and comfort, by denouncing said governments, or either of them; by going into or favoring, or encouraging others to go into or favor, secession, rebellion, or disunion; but have always, in good faith, opposed the same; and further, that I will support, protect, and defend the Constitution of the United States, and of the State of Missouri, against all enemies or opposers, whether domestic or foreign, any ordinance, law, resolution of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with an honest purpose, pledge, and determination, faithfully to perform the same, without any mental reservation or evasion whatever, so help me God."

Sec. 6. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint, two brigadier generals, and no more; and as many colonels, lieutenant colonels, and majors, as may be necessary for properly disciplining and governing the force organized under this Ordinance: *Provided, however,* That the officers and men thus commissioned and organized shall not be entitled to, nor receive, any pay, rations, or emoluments, when not in actual service.

Sec. 7. The part of the State north of the Missouri river shall be known as the "First Military District," and the part of the State south of said river shall be known as the

"Second Military District," which shall be divided into such sub-districts as, in the judgment of the Commander-in-Chief, the good of the service may require.

Sec. 8. The staff of general officers shall be the same as for the time may be prescribed by regulations of the United States army, or orders of the War Department, governing appointments of officers of the same grade in the United States service—all of whom shall be detailed from the line of the command of the officer to whose staff they are attached.

Sec. 9. The staff of the Commander-in-Chief shall be an adjutant general, with the rank and pay of colonel of cavalry; a quartermaster general, an inspector general, and a commissary general, each with the rank and pay of a colonel of cavalry; a paymaster general, with the rank and pay of lieutenant colonel of infantry; a surgeon general, with the rank and pay of colonel of infantry; a judge advocate general, with the rank and pay of lieutenant colonel of infantry; three aids-de-camp, with the rank and pay of major of infantry. He may detail from the line and field officers of any regiment such officers as he may deem proper, and assign them to duty on his staff.

Sec. 10. It shall be lawful for the Commander-in-Chief to call into service such platoons, companies, or regiments, as the safety and peace of the State may require, and to issue such instructions as may be necessary to insure strict discipline and familiarity in drill.

Sec. 11. The publication of the proclamation of the Governor shall be deemed sufficient notice to all persons, subject to military duty, to report to their respective commanding officers for active service.

Sec. 12. The Articles of War and Army Regulations, as published by authority of the War Department of the United States, shall be observed by the Missouri Militia in every particular not otherwise provided by this Ordinance, and the manner of drill shall be such as is prescribed in the tactics adopted for the United States army.

Sec. 13. Whenever the militia, or any part of it, is called into service, the Inspector general, or his assistants, shall muster such force into the service on the rolls of the platoon or company, one of which rolls shall be retained by the commanding officer of the platoon or company, one copy shall be returned to the Adjutant General of the State, and one copy to the district headquarters. He shall administer to each platoon or company, separately, the following oath: "You, and each of you, do solemnly swear, that you will support, protect and defend the United States and the State of Missouri, and the Constitution and laws thereof, against all their enemies; that you will assist in enforcing the laws; and will obey all lawful orders of the officers having authority to command you while in the service, so help you God." And any person subject to military duty, who shall refuse to take said oath, shall be considered and treated as a prisoner of war.

Sec. 14. The surgeon general shall appoint a physician or surgeon for each county to examine persons claiming exemption, who shall give to every person exempted by him a certificate, and shall return to the office of the adjutant of the district, within five days after the close of each of his sittings, a complete list of all persons so exempted. The physician or surgeon so employed shall receive the pay of a major of infantry while actually engaged in such service.

Sec. 15. Any physician or surgeon, authorized by the provisions of this Ordinance to issue certificates of exemption, who shall fraudulently issue any such certificates, shall be liable to a fine of not less than five hundred dollars, to be recovered by indictment before the Circuit Court of the proper county, except St. Louis county, where the indictment shall be before the Criminal Court.

Sec. 16. Every person who neglects or refuses to enroll himself shall pay the sum of twenty dollars, to be levied upon his goods and chattels, by order of the commanding officer of the district, and may be imprisoned or put at hard labor by said officer until said fine is paid, and shall then be enrolled and assigned to such platoon or company as the commanding officer of the district may direct; and any person duly enrolled, and liable to militia service, who shall refuse or neglect to perform such service, after having been thereto required by his officers; and, in addition thereto, such delinquent shall be subject to arrest,

trial, and punishment, within the discretion of a court martial; and nothing in this section shall be construed to exempt any man from military service.

SEC. 17. The commanding officer of each platoon or company shall certify to the commanding officer of the battalion or regiment to which he is attached, a list of all persons liable to lie under the provisions of this Ordinance, with the number of days each person has neglected or refused to do duty; which list shall be, by the commanding officer of the battalion or regiment, certified to the clerk of the Circuit Court of the county ten days before the next term of the said court, who shall place a copy of said list in a conspicuous place in his office, at least five days before the first day of the term.

SEC. 18. It shall be the duty of the Circuit Court to render a judgment, an award, an execution, against each person named in said lists for the sum due by him, and costs, which shall be collected as other fines. The sheriff of the county may collect all sums due in said lists before judgment, and shall pay over the same to the State Treasury, to the credit of the "Union Military Fund." He shall certify to the commanding officer of the district the names of all persons who fail to pay the amount stated against them in said lists, or who have no property whereof to levy such execution. And the commanding officer of the district shall arrest and put at labor the persons mentioned in the last-named list, until the amounts due by them are paid. And it shall be the duty of the circuit attorney of the proper circuit to prosecute all such matters as shall come before the said court by virtue of this section.

SEC. 19. The sum of fifty cents per day shall be reckoned to every person put at labor under the provisions of this Ordinance, until the fine or penalty due by him is fully paid.

SEC. 20. The uniform of the Missouri Militia shall be the same as prescribed by the United States Army Regulations for the army of the United States, until otherwise ordered by the Commander-in-Chief.

SEC. 21. All officers, when on duty, shall wear the uniform of their rank; and no person, not in the military service of the State or the United States, shall wear any insignia of rank, or any part of uniform, under a penalty of twenty dollars for every offense, to be recovered by suit and summary trial before any justice of the peace.

SEC. 22. The pay of the militia shall be the same for officers and men as allowed for the time by the United States to officers and soldiers, and fifty cents for each day's service of his horse, when he is mounted; and such pay shall be in the same funds in which the United States Volunteers are paid, or their equivalent.

SEC. 23. All taxes levied and collected for military purposes, and all fines imposed upon militiamen by this Ordinance, all proceeds of the sales of contraband or captured property seized or captured by the militia, and all other appropriations and levies made for the benefit of the militia, shall likewise be paid into the treasury, to the credit of the said Union Military Fund. Out of such fund shall be paid, first, all sums now due the Enrolled Missouri Militia for services rendered, and Union Military Bonds now outstanding or hereafter issued; and second, all expenses incurred according to law, and audited by the proper officers, and appropriations for military purposes, as other claims against the State.

SEC. 24. The Governor of the State shall lay before the General Assembly, at each regular session thereof, a report of the moneys expended for militia purposes, and an estimate of the funds necessary for support of the militia for the next two years.

SEC. 25. The Commander-in-Chief may assign to duty, as paymasters, such officers as may to him seem proper, not exceeding four (4) in number, with the rank and pay of majors of infantry; and require them, before entering upon the discharge of the duties of the office, to execute a bond, in a sum and with such securities as he shall order, conditioned for the faithful performance of their duty.

SEC. 26. Any officer, civil or military, who may refuse to account for and pay over, according to law, any moneys or property coming to his hands belonging to the militia fund, shall, upon conviction thereof, in the Circuit or Criminal Court, on indictment, be

sentenced to imprisonment in the penitentiary for a term of not less than five nor more than ten years.

SEC. 27. *Courts Martial.*—Courts martial shall be constituted and shall proceed in all cases, and be governed by the laws and regulations prescribed by the United States Army.

SEC. 28. The General Assembly of this State shall provide the ways and means for the payment of the Missouri Militia, and may, at any time, amend or repeal this Ordinance.

SEC. 29. An act entitled "An act for the organization and government of the Missouri Militia," approved February 10, 1865, and all other acts or parts of acts, inconsistent with the provisions of this Ordinance, are hereby abrogated.

Adopted in Convention, April eighth, A. D. one thousand eight hundred and sixty-five.

ARNOLD KREKEL, President.

Attest: AMOS P. FOSTER, Secretary of Convention.



CORPORATIONS.

CORPORATIONS: AGRICULTURAL.

AN ACT to amend an act entitled "an act to incorporate the Audrain County Agricultural Association," approved March 15, 1861.

§ 1. Title, how amended.

§ 2. Section 1 of former act amended.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The title shall be amended so as to read as follows: "An act to incorporate the Adair County Agricultural Association."

§ 2. Section first of the above recited act shall be amended so as to read as follows: "D. S. Hooper, A. Sherwood, P. J. Brown, Wm. Orr, Henry Capps, R. Miller, D. A. Ely, Thomas Haxly and A. H. Johns, and their associates and successors are hereby constituted a body corporate and politic, by the name and style of 'The Adair County Agricultural and Mechanical Association,' and by that name and style shall have perpetual succession, with power to contract with, receive donations of money and property, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever; and shall in like manner have authority to have and use a common seal, and the same at their pleasure to change and alter, and may make, ordain, establish and put in execution, such constitution, by-laws, ordinances, rules and regulations, as shall be proper and necessary for the government of said association, and the management of its affairs and exhibitions; *Provided, always,* that such constitution, by-laws, ordinances, rules and regulations shall not be contrary to the laws and Constitution of this State or of the United States.

This act to take effect and be in force from and after its passage.
Approved March 29th, 1866.

CORPORATIONS: BANKS.

AN ACT to enable the Western Bank of Missouri and branches to wind up their business.

- § 1. Meeting of stockholders to be called by whom; notice of such meeting, how to be given; meeting to be held for what purpose; votes each stockholder is entitled to, said may be cast, in what manner.
2. Western Bank and branches to be considered in liquidation, when; but shall continue as a body corporate, for what purposes.
3. Directors of parent bank shall adjust business of branches; liabilities of and to the branches payable at parent bank, unless; directors may fill vacancies and may transfer the winding up of their business to whom; notice to be given of such transfer, where and how; directors may resume business.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Western Bank of the State of Missouri, with the branches of said bank, may, by the president of the parent bank, call a meeting of their stockholders, to be held at the parent bank at any time, by notice published in at least one newspaper in the city of St. Joseph, and one newspaper published in the county in which each branch is located, (which branch has not been consolidated or wound up under and by virtue of an act of the General Assembly of the State of Missouri for said purpose, passed and approved on the 26th day of January, 1864, or is not under process of being so consolidated or wound up by virtue of said act,) if there be a paper published in such county, twenty days before such meeting, to vote upon a proposition to wind up its affairs, such voting to be superintended by at least three stockholders. Each shareholder in the bank and branches shall have one vote for each share of stock he or she may own, and may vote in person or by proxy, as may also administrators and executors of estates in this and other States, on depositing with the bank a certificate of the court granting them letters as such.

§ 2. If a majority in interest of those who may vote on the day fixed, shall be in favor of winding up, then said Western Bank and its branches which have not been consolidated or wound up as stated in the first section of this act, shall be considered in liquidation and shall be deemed to have surrendered its charter as a bank under the laws of this State, and shall be relieved of all further obligation or liability to the State of Missouri (under said charter so surrendered) on account of the privileges therein granted or secured; *Provided*, that nothing in this act shall be so construed as to prevent said Western Bank of Missouri from continuing as a body corporate for and during such term as may be necessary for the purpose of prosecuting and defending suits for and against it, and of enabling it to close up its concerns, and to sell, convey, dispose of and convert its property and effects, and to renew notes and bills and other debts due to from time to time, to secure their ultimate payment and afford relief to its debtors.

§ 3. The board of directors of the parent bank, should the stockholders decided to wind up under this act, shall be empowered to settle and adjust the business of the branch banks and the liabilities and debts of

and to the branch banks are hereby made payable at the said parent bank in St. Joseph, unless said board of directors may elect to establish an agency in the county in which a branch was located, for the winding up of such branch, under the supervision and direction of said board; and said parent bank and branches shall be relieved from all provisions of law requiring elections to be held for directors; and the board of directors of the parent bank may continue, as such, to wind up and close the business of said bank and branches, as provided in this act, and shall have power by appointment to fill all vacancies in the board which may occur; but the board of directors may transfer the winding up and management of their business to any board of directors of any bank established under the act of Congress to provide a national currency, approved June 3d, 1864, or to any other board of directors of any bank chartered by the State of Missouri and doing business in the city of St. Joseph they may select, and, when so transferred, public notice thereof shall be given in one or more newspaper published in the city of St. Joseph, and thereafter the said bank so selected shall be the place of business of such bank; *Provided, however*, that the directors of said Western Bank may resume the business of closing up its affairs, and, when so resumed, another place of business shall be provided and kept.

§ 4. The directors of said Western Bank of Missouri, as soon as practicable after it shall have went into liquidation by virtue of this act, may, and they are hereby authorized and directed, to declare a dividend of the paid in capital stock thereof, to the owners of the shares of stock in said bank and branches, equal to fifty cents on each and every dollar of the paid in capital stock of said bank and branches, and thereby reduce the stock to one-half of its present amount; except where stockholders who held stock in any of the branches of such bank, (and who may have before received a dividend upon or portion of their stock by virtue of the act hereinbefore referred to, passed and approved on the 26th day of January, 1864, authorizing the consolidation of said branches with the parent bank,) who are hereby only authorized to receive dividend by virtue of this act as will make them equal with the other stockholders of said Western Bank and branches hereinbefore provided for; and said directors are further authorized and directed to continue from time to time as fast and as often as the affairs of the said bank will permit and the means on hand will justify, to make to the stockholders other and further dividends of from five to ten per cent. (as the case may justify) upon the capital stock as aforesaid, until the whole affairs of the said bank and branches are finally wound up; *And provided, further*, that this section shall not be so construed as to authorize directors or said bank to reduce the amount of either coin or United States legal tender notes in her vaults to a less sum than one-third of the whole amount of the outstanding circulation of said bank and branches.

§ 5. The president of the Western Bank of Missouri, should the stockholders by their vote as proposed in this act, decide to wind up the business of the bank and its branches, shall publish a notice for the period of sixty days, in one or more newspapers printed in each of the cities of St. Louis and St. Joseph, in the State of Missouri, that the said bank and its branches have gone into liquidation, and requesting holders of their notes to present them for redemption at the place of business of the bank, as provided in section three of this act, in one year from the date of such

notice, and all notes of said bank and branches not presented for redemption within three years from the date of such notice shall be forever barred.

§ 8. All acts and parts of acts in conflict with this act are hereby repealed. And this act to take effect and be in force from and after its passage.

Approved December 19th, 1865.

CORPORATIONS: CEMETERY.

AN ACT in relation to Bellefontaine Cemetery Association.

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| <p>§ 1. Corporate powers vested in fifteen trustees; trustees to be elected.</p> <p>2. Who shall be eligible as trustees.</p> <p>3. Vacancies in board, how filled, board may expel members.</p> | <p>§ 4. Stock deemed cancelled, when; corporate rights shall vest in lot owners.</p> <p>5. Lots may be sold, when; act, when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The corporate powers of the Bellefontaine Cemetery Association, shall hereafter be vested in a board of fifteen trustees, to be elected as follows: The present Board of Trustees shall, within sixty days after the first day of October, eighteen hundred and sixty-six, call a meeting of the lot owners in Bellefontaine Cemetery for the purpose of electing eight trustees, at which election every lot owner shall be entitled to one vote for every four hundred square feet of land he may own in said cemetery, and at the next annual election to be held by the stock holders of said association they shall elect seven trustees, and the trustees so elected by the lot owners and stockholders shall meet and organize by the election of a President and other officers as now provided by the by-laws, and shall have and exercise all the powers now vested in the trustees of said association.

§ 2. No person shall be eligible as a trustee, who is not a lot owner in said cemetery and a resident of St. Louis county, and a removal from the county or the disposal of his lot shall vacate his office as such trustee.

§ 3. The trustees so elected shall be a perpetual body and shall fill all the vacancies created in their board by a vote of a majority of their whole number, and may expel a member at any regular meeting for cause to be stated on their records, by the vote of ten members in favor of such expulsion.

§ 4. As soon as said Board of Trustees are elected and organized as above provided, the stockholders in said association as now existing shall have the balance due on their stock returned to them, and from that date

their stock shall be deemed canceled and their rights as stockholders shall cease, and the corporate rights shall by that act be vested in the lot owners in said cemetery and thereafter represented by the board of trustees above provided for.

§ 5. The owner of any lot in said cemetery which has been used for interment, and the bodies afterwards removed by the consent of the corporation, may, after two years from the date of such removal sell and convey said lot, as though the same had not been used.

This act shall be in force from and after its passage.

Approved March 19th, 1866.

CORPORATIONS: EDUCATIONAL.

AN ACT to amend an act entitled "an act to incorporate the St. Joseph Board of Public Schools," approved January 4th, 1860.

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| <p>§ 1. Repeat, what; the word "white" stricken out by section first.</p> <p>2. The word "white" stricken out of section second.</p> <p>3. The word "white" stricken out of section four.</p> <p>4. Term of office and classification of directors changed.</p> | <p>§ 5. Mode of election in case of vacancy in office of director changed.</p> <p>6. Mode of fixing, and amount of tax to be levied, changed.</p> <p>7. Act when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That section first of the above recited act which reads as follows: "That all free white persons residing within the limits of school district number one, in township number eight in Buchanan county in this State, as the limits of said district now are or may hereafter be established, are hereby constituted a body politic and corporate by the name and style of the St. Joseph Board of Public Schools, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, in all actions whatever, may purchase, receive and hold property, real and personal, and may lease, sell or dispose of the same, and do all other acts as natural persons. They shall have a common seal and may break and alter the same at pleasure," is hereby amended to read as follows: That the residents of school district number one in school township number eight in Buchanan county in this State, as the limits of said district now are, or may hereafter be established, are hereby constituted a body politic and corporate by the name and style of the St. Joseph

TITLE XXV.

OF INTERNAL POLICE.

- CHAPTER 71.—Of Illegal Currency and Banking.
 CHAPTER 72.—Of Lost Money and Goods and Unclaimed Merchandise.
 CHAPTER 73.—Of Adulteration and Inspection of Liquors.
 CHAPTER 74.—Of Gaming.
 CHAPTER 75.—Of Circuses and Public Shows.
 CHAPTER 76.—Of Certain Trespasses.
 CHAPTER 77.—Of Vagrants.
 CHAPTER 78.—Of Preservation of Fish and Destruction of Wolves.
 CHAPTER 79.—Of Restraint of Stallions, Rams and Diseased Animals.
 CHAPTER 80.—Of Inclosing Fields and Saltpeter Works.
 CHAPTER 81.—Of Firing Woods, Marshes and Prairies.
 CHAPTER 82.—Of Marks and Brands of Animals.
 CHAPTER 83.—Of Strays.
 CHAPTER 84.—Of Burial Grounds and their Protection.
 CHAPTER 85.—Of Coroners and Inquests on the Dead.

CHAPTER 71.

OF ILLEGAL CURRENCY AND BANKING.

SECTION

1. No person, without authority of law, to create and put in circulation any note, &c., as circulating medium.
2. Punishment, by fine, for issuing, &c.
3. Forfeiture of fifty dollars for passing, vending, receiving, &c.
4. No corporation, broker or exchange dealer to pass or receive any note less than five dollars; proviso.
5. Penalty on broker, exchange dealer, &c., for violating this act.

SECTION

6. No person, corporation, &c., as agent of foreign corporation, shall keep a banking house, &c.
7. Penalty for violating the provisions of preceding section.
8. Every day on which such banking house is kept open declared a distinct offense.
9. All bonds, &c., securing the payment of money loaned or advanced by foreign banking company or agent thereof, utterly void, &c.

SECTION 1. No person unauthorized by law shall create or put in circulation, as a circulating medium, any note, bill, check, ticket, or other instrument of writing, purporting or evidencing that any money will be paid to the receiver, bearer or holder thereof, or to any person, by any name or description whatsoever, or that it will be received in payment of debts, or be used as a currency, or medium of trade, in lieu of money.

SECT. 2. If any person issue, put in circulation, sign, counter-sign or indorse any such note, bill, check, ticket, or other instrument of writing, he shall be fined not less than two hundred and fifty dollars, one-half to go to the prosecutor, and the other half to the county in which the offense shall be committed.

SECT. 3. If any person vend, pass, receive, or offer in payment any such note, bill, check or ticket, or other such currency, he shall forfeit fifty dollars, to be recovered by civil action, to the use of any person who shall sue for the same, before any justice of the peace of the county.

No person, without authority of law, to create or put in circulation any note, &c., as circulating medium.
 R. S. § 1, p. 286
 1 M. R., 129.
 4 M. R., 572.
 10 M. R., 519.
 Punishment by fine, for issuing, &c., as circulating medium.
 R. S. § 2, p. 286.
 19 M. R., 213.
 Forfeiture of fifty dollars for passing, vending, receiving, &c.
 R. S. § 2, p. 286.

first 4 sections
 same as
 Dec 8, 1855 Act
 last 5 are
 same as
 Dec 8, 1855 Act
 sec 5, 6, 7, 8 & 9
 of 12/8/55 Act
 repealed

continued
 until?
 1919 Revision
 See
 Feb 3, 1885 Act

SECT. 4. No corporation within the limits of this state (the bank of the State of Missouri and its branches included), money broker or exchange dealer, shall pass or receive, within the limits of this state, any bank note or other paper currency of any kind, promising or ordering the payment of money or other thing, of less denomination than one dollar; *provided*, that said money brokers and exchange dealers may buy, take or receive such bank notes, post notes and currency, for the purpose of sending the same out of the state.

SECT. 5. Any money broker, exchange dealer, or any member or officer of any corporation, within the limits of this state (the office and members of the bank of the State of Missouri included), who shall violate or evade any of the provisions of this chapter, shall be fined in a sum not less than one hundred dollars for the first offense, and shall be fined in a sum not less than five hundred dollars for each subsequent offense, to be recovered by indictment, for the use of the state.

SECT. 6. No person, association of persons or corporation, as the agent of any foreign corporation or unincorporated banking company, shall, within the limits of this state, keep any banking house, or exchange, checks, drafts, or in discounting bills or notes, or by the means of such banking house, agency, office, or through the agency, office, or of deposit only, or of discount only, or in any manner deal in buying or selling bills of discount only, or in any manner deal in buying or selling bills of exchange, checks, drafts, or in discounting bills or notes, any loan, issue, emit, circulate, pass or pay, or tender in payment, any notes or bills of such foreign corporation or unincorporated banking company.

SECT. 7. If any person, association of persons, or corporation, shall violate the provisions of the preceding section, such person, association of persons, or corporation, shall forfeit the sum of one thousand dollars, to be recovered by indictment, or by civil action in the name of the state, one-half to the use of the prosecutor, and the other half to the use of the state.

SECT. 8. Every day during which, or any part of which, such prohibited banking house, agency or office, is kept open, or such distinct offense.

SECT. 9. All bonds, bills or notes, or other instruments of writing, securing the payment of any money or bank notes, loaned or advanced by any foreign corporation or unincorporated banking company, situated or located, or which is doing business by its officers or agents, within this state, to such foreign corporation or unincorporated banking company, or executed to any agent, or person holding himself out as agent of such corporation or unincorporated banking company, or to any corporation or person, whether such bond, bill or note, or other instrument of writing, be made payable, or made to secure the payment of such loan of money or bank notes to such foreign corporation or unincorporated banking company, or to the agent thereof, for the use of the same, or indirectly, for the use of such foreign corporation or unincorporated banking company, in whatever name or form the same may be drawn, shall be taken and held as utterly void and of non-effect.

BANK COMMISSIONER.

AN ACT to abolish the office of Bank Commissioner.

- § 1. Bank Commissioner shall complete the records of his office; within what time; shall make final semi-annual report to the Governor; he shall deliver plates and dies; to whom; office of Bank Commissioner abolished; conflicting acts repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. On or before the first day of March, 1866, the Bank Commissioner shall cause all the records of his office to be completed, and shall forward the same to the Secretary of State, at Jefferson City, to be by him taken charge of and preserved. He shall make his final semi-annual report to the Governor as is now required by law. The bank note plates and dies in his possession, in trust for the various banks of the State, shall be by him delivered to the President of such banks respectively, as have not gone into the national banking system; take their receipts therefor, and file the same with, and as part of the records of the office. On the said first day of March, 1866, and when the foregoing duties have been performed by said Bank Commissioner, his office shall be considered as being abolished and discontinued, and said officer shall be relieved from the obligations of his official bond. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 27th, 1863.

CLAIMS: IRREGULAR.

AN ACT to amend an act and extend the jurisdiction of the Quartermaster General of the State, in the allowance of irregular claims under an act to protect the State of Missouri against illegal claims. Approved February 15th, 1864, and extended by an act of February 15th, 1865.

- § 1. Jurisdiction of Quartermaster General extended; act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the jurisdiction of the Quartermaster General is hereby extended so as to embrace all claims accruing since 15th February, 1864; *Provided, however,* that nothing in this act shall be so construed as to justify the allowance or settlement of any claim of disloyal persons, or of parties which are not able to establish their loyalty, to the Federal Government, as now required by law.

This act to take effect and be in force from and after its passage.

Approved March 5th, 1866.

CLAIMS: IRREGULAR.

AN ACT to authorize the State Auditor to allow certain irregular claims.

- § 1. Auditor shall draw his warrant for | § 2. Act, when to take effect.
certain claims; provided, etc.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The State Auditor is hereby authorized to audit and draw his warrant in favor of all claims against the State of Missouri which accrued after the first day of January, eighteen hundred and sixty, notwithstanding they were not presented within two years from date of such accounts or claims; *Provided, however,* that the said State Auditor shall be satisfied by evidence that said claims were not presented in the consequence of the disorganized condition of the counties in which said claimant may have resided at the time the account should have been presented; and that the account is in every other respect legal by the Statutes of the State of Missouri; and *Provided further,* that the claimant shall give satisfactory evidence of loyalty to the government of the United States.

- § 2. This act to take effect and be in force from and after its passage.

Approved March 19th, 1866.

CONVICTS.

AN ACT concerning Convicts.

- § 1. Convicts in Penitentiary behaving ac- | § 2. Convics under sentence for life shall
cording to rules and regulations of | be entitled to the same privileges,
the prison. Inspectors may recom- | after fifteen years of their impris-
mend for pardon. | onment.

3. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That when any person imprisoned in the Penitentiary of the State of Missouri shall have, during the whole time of his or her imprisonment, behaved according to the rules and regulations of that institution, to the full satisfaction of the Inspectors, then the said Inspectors, on the expiration of three-fourths of the time for which such person was sentenced, shall write and sign a testimony to that effect and present the same to the Governor of Missouri, with a recommendation that such person be pardoned.

§ 2. That whenever any account for labor done or materials furnished in the building of said Armory shall be presented to the State Auditor for payment, signed and approved by the Commissioner of the Permanent Seat of Government, whose duty it shall be to examine and pass upon such claims; the said Auditor is hereby authorized and required to draw his warrant in favor of the holder of any such account for the amount certified as due by the said Commissioner.

This act to take effect and be in force from and after its passage.

Approved March 5th, 1866.

ATTORNEYS: CIRCUIT.

AN ACT in relation to the Circuit Attorney of St. Louis county.

- § 1. Compensation of Circuit Attorney of St. Louis county. § 2. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Circuit Attorney of St. Louis county shall receive for his services, in lieu of the fees heretofore allowed him by law, in trial of cases of misdemeanors, or other than felony cases, a salary of one thousand dollars per annum, to be paid quarterly by the county of St. Louis.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 19th, 1866.

BANKS: STATE OF MISSOURI.

AN ACT to authorize the Bank of the State of Missouri to reorganize as a National Bank, to provide for the sale of the stock owned by this State in said Bank, and to protect the Seminary and Common School Fund, and provide for its safe investment.

- § 1. Bank of the State of Missouri may organize as National Bank under act of Congress.
2. If majority of stockholders is in favor of reorganizing as National Bank, the State interest shall inure to whom.
3. Such National Bank shall have nine directors; how elected and appointed; two only appointed, when.
4. Governor to appoint an agent; duties of agent and his compensation.
5. Agent to advertise stock for sale, etc.; purchasers to pay into State treasury within what time; Treasurer to give duplicate receipts therefor; duties of Governor and duties of the Bank.
- § 6. Bank stock owned by the State to be sold only for money or bonds of this State.
7. Treasurer shall invest proceeds in interest bearing bonds of the United States; Treasurer considered debtor, until when, and pay interest out of treasury.
8. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Bank of the State of Missouri shall have power and is hereby authorized to reorganize as a national banking company, under and in pursuance of a law of the United States, entitled "an act to provide a national currency secured by a pledge of the United States stocks and to provide for the circulation and redemption thereof," approved February 25th, 1863, and the several amendments thereto.

§ 2. If a majority in interest of the stockholders of said bank, at a meeting called for that purpose by the directors of said bank, shall vote in favor of reorganizing as a national banking association, said bank shall issue to the State or to the purchaser or purchasers of the State interest therein, as hereinafter provided, a certificate or certificates for the amount of the stock now held by the State in said bank at the time of said reorganization.

§ 3. Said national banking company, if organized as hereinbefore provided, shall have nine directors, six of whom shall be elected by the private stockholders, and three of whom shall be appointed by the Governor; *Provided, however*, if the stock held by the State shall be reduced by sale or otherwise, as hereinafter provided, below nine hundred thousand dollars, then only two directors shall be appointed by the Governor, and seven shall be elected by the private stockholders; and, *Provided further*, that the State shall have only one director for every three hundred thousand dollars of stock held by it in said bank.

§ 4. The Governor shall appoint a competent agent in behalf of the State, whose duty it shall be to sell the stock now held by the State in its own right, and as trustee for the Seminary Fund and the Common School Fund, or the stock which may be issued to it therefor as hereinbefore provided in the manner hereinafter provided; said agent shall receive as compensation for his services such compensation as the Governor may deem reasonable and proper, not to exceed the sum of one thousand dollars, to be paid pro rata out of the several funds for which said stock is now held, and in like manner all other expenses attending said sale shall be paid pro rata out of said several funds for which said stock is now held as aforesaid.

§ 5. Immediately after his appointment, said agent shall proceed to cause said stock to be advertised for sale in one or more newspapers pub-

lished in the cities of St. Louis, Boston, New York and Philadelphia, for the period of not less than thirty days, and shall invite sealed proposals for the purchase of said stock, or any part thereof, and from such proposals said agent shall report to the Governor those which offer in good faith the largest price and the terms most advantageous for the State, and if, in the opinion of said agent, any of said proposals so received shall appear to be the fair value of said stock, he shall mention that fact in said report, and if such proposal shall be approved by the Governor, the whole or any part of said stock may be sold accordingly, in which event the person or persons submitting said proposal shall be notified by said agent of the acceptance of his or their said proposal, and within thirty days after such notice the said purchaser or purchasers shall pay or deliver to the Treasurer of this State the money or other securities as hereinafter provided to the amount of his or their said proposal, and the Treasurer shall give his duplicate receipts, one of which shall be filed with the Auditor therefor, and upon the production of this receipt the Governor shall assign and transfer said stock on the books of said bank, and said bank shall issue to such purchaser or purchasers a certificate or certificates thereof, which said certificates shall be taken and considered as a complete cancellation of all claim or interest in behalf of the State, and of said several funds for which said stock is now held, and the holder or holders of such certificates shall be entitled to all the rights and privileges, and subject to all the liabilities now enjoyed by the private stockholders in said bank, or to which they are entitled; *Provided, however*, that no such sale shall be valid until submitted to and approved by the Governor in writing.

§ 6. The said bank stock, so owned by the State, in its own right or as trustee for the seminary and school funds, as aforesaid, shall be sold only for money or the bonds of this State now due or hereafter to become due, or the coupons of any such bonds, and the purchaser or purchasers thereof shall have the option of paying for said stock either in lawful money of the United States or in any of the bonds of this State now due or to become due, and the coupons of any such bonds.

§ 7. As soon as practicable after said sale is completed the Treasurer shall invest the proceeds received from said stock now held for the benefit of the Common School Fund, and that held for the benefit of the Seminary Fund, in the interest bearing bonds of the United States; and, until the same shall be so invested, the State shall be held and considered the debtor of said several funds, and the Treasurer shall pay to said several funds out of any money then in the treasury the interest on the full amount of said several funds at the rate of six per cent. per annum, said interest to be so paid semi-annually on the first day of January and July next after said sale.

§ 8. This act shall take effect from its passage.

Approved March 5th, 1866.

BANK: STATE OF MISSOURI.

AN ACT to authorize the Bank of the State of Missouri to reduce the capital stock, to consolidate its branches, and to define their relations to the parent bank.

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| <p>§ 1. Capital stock of bank may be reduced, provided.</p> <p>2. Branch banks may be discontinued; when, etc.</p> <p>3. Business of branch bank shall cease, when.</p> <p>4. Directors of branch bank how appointed and elected.</p> | <p>§ 5. Stock in branch banks may be surrendered to parent bank.</p> <p>6. This act shall not be so construed, as to interfere with what act.</p> <p>7. Act, when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Bank of the State of Missouri, may be reduced to any sum, not less than one million dollars; *Provided*, a majority in interest of the stockholders of said bank, shall so determine at an election, to be held for that purpose, at such time as the Board of Directors of the parent bank at St. Louis may appoint, and said capital stock shall be apportioned between said parent bank, and the several branches thereof as said Board of Directors may deem equitable and proper to accommodate the business of said several localities, and promote the interest of said bank.

§ 2. Said Board of Directors may, at any time, with the consent of the Board of Directors of any branch of said bank, discontinue the business of any such branch, and may sell all or any part of its assets and good will, or may transfer the same to said parent bank, or any one of said remaining branches.

§ 3. If, at any time, the capital stock of any branch bank shall be reduced to a sum less than fifty thousand dollars, the business of said branch bank shall cease, and its effects shall be sold or transferred, as in the last preceding section is above provided.

§ 4. Five of the directors of each of said branch banks, shall be appointed by the Board of Directors of said parent bank, and four shall be elected by the private stockholders of such branch bank.

§ 5. Any person owning stock in any of said branch banks, may at any time surrender the same to said parent bank, and receive therefor stock in said parent bank.

§ 6. Nothing in this act shall be so construed, as to effect or interfere with the provisions of an act entitled "an act to authorize the Bank of the State of Missouri, to reorganize as a National Bank; to provide for the sale of the stock owned by this State in said bank, and to protect the Seminary and Common School Fund, and provide for its safe investment," approved March 5th, 1866, so as to authorize or enable said bank or branches, to either reduce their capital stock, or wind up their business, in any other manner than as provided in said act, until the stock held and owned by the State in said bank or branches, and the interests of the Seminary and School Funds have been disposed of, according to terms therein set forth.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 20th, 1866.

- § 1. County Court may refund purchase money for swamp lands; when, etc. | § 2. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Whenever the sale of swamp lands by any county of this State shall have been rescinded by mutual consent for the reason that the purchaser has died and his widow is unable to make deferred payments thereon, then, and in all such cases, the county court of such county is authorized and empowered to refund and repay to the purchaser's widow, all sums theretofore paid by such purchaser on account of said sale, deducting all expenses and damages incurred; *Provided*, that this act shall only apply to the widows and orphans of soldiers who died in the service of the United States or State of Missouri.

§ 2. This act to take effect from and after its passage.

Approved March 19th, 1866.

LAWS AND JOURNALS: SECRETARY OF STATE.

AN ACT to authorize the Secretary of State to furnish laws to certain counties.

- § 1. Secretary of State shall furnish counties with what books, when and upon what proof; act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be the duty of the Secretary of State, upon the application of the county court, to furnish the county with any of the statutes of this State, and also with any volume of the decisions of the Supreme Court, when the same shall be on hand, where they have been destroyed or where they have not been heretofore furnished to said county; *Provided*, that before said statutes or the reports of the decisions of the Supreme Court shall be furnished, as herein provided, the presiding judge of the county court, or the clerk thereof, shall satisfy the Secretary of State, by affidavit, that the statutes or volumes of the reports of the decisions applied for, were never furnished to said county, or, if furnished, that same have been destroyed.

This act to take effect and be in force from and after its passage.

Approved March 5th, 1866.

MILITIA AND MILITARY: INFIRMARY FOR SOLDIERS.

AN ACT for the benefit of infirm soldiers, indigent orphans and widows.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Any infirmary for soldiers or asylum for indigent orphans and widows, are hereby authorized to receive donations of money, property and real estate, and shall have power to dispose of the same and convey title thereto, in conformity with the by-laws of such infirmary and asylum and the laws of this State.

§ 2. This act to be in force from and after its passage.

Approved March 19th, 1866.

MILITIA AND MILITARY: PAYMENT OF.

AN ACT to provide means for the payment of the Enrolled Missouri Militia, and the Missouri Militia, for services rendered, and for the payment of certain claims incurred against the State by the Quartermaster's Department.

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| <p>§ 1. New issue of Union Military Bonds authorized and for what purpose; such Bonds to be issued, arranged, disposed of and cost of printing paid for, in what manner.</p> <p>2. Paymaster General to pay over to Quartermaster General what amount of such Bonds issued, and for what purpose; Paymaster General to take receipt therefor, which shall entitle him to a credit with State Auditor; Quartermaster General to pay, what claims.</p> | <p>3. What military organizations are entitled to pay under the provisions of this act, and who are not.</p> <p>4. Additional tax levied for the year 1866 on all taxable property, for what purpose and for the benefit of what fund. Union Military Bonds to be received for such new tax.</p> <p>5. Act, when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. For the purpose of completing payments now due the Enrolled Missouri Militia and Missouri Militia, for services actually rendered the State, and for the payment of certain claims incurred by the Quartermaster's Department of the State, for the foraging, subsisting and transporting the militia of the State, a further issue of the bonds of the State is hereby authorized and directed, not to exceed in amount the sum of fourteen hundred thousand dollars, to be printed, issued, numbered, registered, signed, countersigned, compensation allowed therefor, disposed of, paid out

and accounted for in all respects, so far as applicable, in accordance with the provisions of an act, entitled, "an act for the payment of arrears due the Enrolled Militia for services actually rendered to the State," approved February 20th, 1865, exceptas hereinafter provided and directed.

§ 2. The Paymaster General is hereby authorized and directed to deliver and pay over to the Quartermaster General the sum of three hundred and thirty thousand two hundred dollars of the bonds hereby authorized to be issued, taking duplicate receipts of said Quartermaster therefor, which receipts shall be held by said Paymaster, as a proper and sufficient voucher to him in making his settlements with the State Auditor, and shall entitle him to a credit with the Auditor for the amount therein specified; and the Quartermaster General shall, without unnecessary delay, cause the bonds delivered to him to be paid out according to law to the proper parties in payment of such claims as may have been lawfully adjusted and allowed against the State for the foraging, subsisting and transporting the militia forces of the State, and for all such other expenses, connected therewith, as are authorized and recognized by the War Department as properly payable by the Quartermaster's Department.

§ 3. For the purposes of this act, all military organizations of the State, which have heretofore rendered actual service to the State, under proper authority, and which are not embraced in the Enrolled Missouri Militia organization, shall be held and considered to be embraced under the organization known as the Missouri Militia, and the Paymaster shall pay such organizations accordingly, he being first satisfied that such organizations actually rendered the service, upon proper and competent authority, for which charge is made; *Provided, however*, that nothing in this section shall be so construed as to authorize the payment of any organization known as "Pawpaw Militia."

§ 4. In order to sustain the credit of the Union Military Bonds, and to make further provisions for their redemption, a tax of three tenths of one per cent. in addition to the taxation now provided by law for the benefit of the Union Military Fund, shall be levied and collected for the year 1866, on the assessed value of all property, including merchants' license, now made taxable by laws, the same to be paid on said Military Fund. Union Military Bonds shall be received by all collectors in payment of the tax hereby levied.

§ 5. This act to take effect and be in force from and after its passage.

Approved December 20th, 1865.

MILITIA AND MILITARY: PAYMENT OF.

AN ACT for the payment of persons who have done active service in the loyal militia of this State, and who, by neglect or mistake of their officers, have been improperly accounted for on their company or detachment muster and pay rolls.

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| 1. Person having performed active service in the loyal Militia of Missouri, shall be paid upon what statement. | § 3. Act, when to take effect. |
| 2. Paymaster General authorized to pay upon statements presented as provided in preceding section. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That any person who has done active military service in the loyal militia of Missouri, whose name appears or does not appear on the muster and pay rolls of any company or detachment of said militia, in which said service was performed and which company or detachment shall at any time have been paid by any paymaster of this State, and who, by reason of the neglect or mistake of the officer making out and signing said company or detachment muster or pay rolls, shall have neglected to place his name thereon, or placed wrong and improper remarks opposite any name on said rolls, and improperly accounted for said person, thereby causing the paymaster to refuse payment to such person, either at the time of paying off the rest of said company or detachment, or at any other time, and still remaining unpaid, shall be paid upon his statement showing that he has been improperly marked and accounted for on said rolls, or not placed thereon, together with the statement of one of his said company or detachment officers, who shall have been regularly commissioned as such, showing that said officer, of his own knowledge, does actually know that said person performed said service, and was improperly marked and accounted for or not placed on the pay roll, and that he ought to be paid; which statements shall be verified on oath or affirmation before some officer competent to administer oaths, and having an official seal.

§ 2. Upon the presentation of the evidence alluded to in the preceding section of this act, the Paymaster General of Missouri shall cause to be paid to such person such amount as shall be due, or as may appear from his company or detachment roll to be due him. And the officer of the pay department making such payment shall carefully attach to said roll the sworn evidence or statements upon which such payment was made.

§ 3. This act to take effect from and after its passage.

Approved March 15th, 1866.

MILITIA AND MILITARY: UNION MILITARY BONDS.

AN ACT to regulate the redemption of Union Military Bonds, and to protect the Union Military Fund.

- § 1. Treasurer to receive and file for payment Union Military Bonds; to be paid in what order.
2. Treasurer to compute the interest; destruction of voucher to be established by legal evidence.
3. Duties of collectors; Treasurer to give duplicate receipts to specify the funds, etc.
- § 4. Bonds and Defense Warrants to be stamped "canceled"; to be counted by what officers.
5. Conflicting acts repealed.
6. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. On the first Wednesdays of May, August, November and February in each and every year, it shall be the duty of the State Treasurer to receive and file for payment and redemption all overdue Union Military Bonds which may be presented to him for that purpose, between the hours of nine o'clock in the forenoon, and two o'clock in the afternoon of said days, respectively. He shall immediately thereafter arrange said bonds in the order of the year of their issue, without regard to the date in that year, and to pay them in that order, redeeming the class having the oldest dates first, so long as the means in the military fund then remain for that purpose, and when the funds on hand are insufficient to pay any one class so presented for redemption, he shall pay to the owners of such class bonds such funds *pro rata* according to the amounts, respectively, presented for redemption.

§ 2. The Treasurer shall compute the interest on the bonds redeemed as aforesaid, and shall pay the same and take therefor a receipt from the parties to whom payments have been made, specifying the year of the issue of said bonds and the amount of interest so allowed, and the Treasurer shall have no credit upon any settlement of his account for any sum so paid for interest, in the absence of such voucher, unless the loss or destruction thereof is established by competent legal evidence, and after the passage of this act Union Military Bonds shall not be paid or redeemed in any other manner than as provided in this act.

§ 3. Collectors of the revenue shall hereafter pay into the State Treasury all receipts taken by them for interest allowed on Union Military Bonds; and the Treasurer shall give to collectors duplicate receipts for all amounts paid into the treasury by such collectors, respectively, specifying the funds to which payments are applicable, and specifying the amount of Union Military Bonds, the amount of interest receipt thereon allowed, the amount of Defense Warrants and the amount of cash or currency paid into such funds, respectively, which receipts shall show the amount of Union Military Bonds paid in under the different years thereof; one of these receipts shall be filed with the Auditor for the purposes of this act; the Treasurer is authorized to employ an additional clerk when he may deem it necessary, for the dispatch of business in his office, that he should do so.

§ 4. The redemption of all Union Military Bonds of the issue of 1865, and after, and of all Defense Warrants, shall be registered by the Treasurer; all Union Military Bonds, of whatever dates, and all Defense Warrants as fast as they are received in payment of the revenue, or have been redeemed, shall be canceled by writing or stamping thereon the word "canceled," and immediately after any quarterly settlement with the Auditor, it shall be the duty of the Auditor, Secretary of State and Register of

Lands, or any two of them, to count the Union Military Bonds and Defense Warrants so canceled, and also to ascertain the amount of interest receipts taken by the Treasurer from the hands of collectors or taken in the redemption of said bonds, and they shall certify the amount of each to the Treasurer; such bonds, Defense Warrants and receipts for interest, aforesaid, shall then be burnt by said committee, and this fact embraced in their certificate to the Treasurer.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1866.

MISCELLANEOUS: ARCHIVES AND RECORDS.

AN ACT authorizing the Governor to accept the archives, records and papers, belonging to the office of the late Surveyor General of the States of Illinois and Missouri, to which, by the acts of Congress, the State of Missouri is entitled.

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| <p>1. Governor is authorized to apply for and receive maps, plats, archives, field notes, &c. &c.</p> <p>2. Governor to appoint a custodian, who shall provide an office in the city of St. Louis; custodian to give bond; no expense to be paid by the State for procuring rooms and furniture.</p> | <p>§ 3. Fees of the custodian.</p> <p>4. United States shall have free access to the archives, etc., and procure copies.</p> <p>5. All inconsistent acts repealed.</p> <p>6. Act, when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Governor of this State is hereby authorized to apply for and accept the archives, field notes, maps, plats, records, and other papers belonging to the office of the Surveyor General of Illinois and Missouri, to which the State of Missouri is entitled by virtue of an act of Congress, after the office of the said Surveyor General has terminated.

§ 2. The Governor shall appoint some competent person as custodian of the said archives, field notes, maps, plats, records and other papers aforesaid, who shall receive the same from the proper officer of the United States, and who shall provide an office therefor in the city of Saint Louis, convenient for the people of the State to consult such archives; the custodian shall give bond for the safe custody of the archives, in such sum as the Governor shall designate, and no expense incurred in procuring rooms and furniture for the safe keeping of said records, shall be paid by the State.

MILITIA AND MILITARY: SOLDIERS' BOUNTY.

JOINT RESOLUTION instructing the United States Senators from the State of Missouri and requesting the Representatives in Congress to urge the passage of a law to pay to United States volunteers from Missouri, known as Missouri State Militia, the same bounty allowed to other volunteers by law.

WHEREAS, by an agreement entered into between the President of the United States and the Governor of the State of Missouri, fourteen regiments of volunteers were organized in Missouri during the winter of 1861 and spring of 1862, known as M. S. M.,

And whereas, the said Missouri State Militia performed their duties faithfully for three years, or during their term of enlistment, and were honorably discharged from the service of their country,

And whereas, the Pay Department so construes the laws of the United States concerning bounty as to deprive said troops of the bounty paid to other United States volunteers who served for the same time, therefore,

Be it resolved by the Senate, the House of Representatives concurring therein:

That the Senators from Missouri in Congress are hereby instructed, and the members of the House of Representatives requested, to use their influence to procure the passage of a law by the Congress of the United States, giving to the Missouri State militia the same bounty which was allowed other volunteers by law at the time they were mustered into service as soldiers.

Resolved, That a copy of these resolutions be furnished to each of the Senators and members of the House of Representatives in Congress from Missouri.

Approved February 19th, 1866.

MILITIA AND MILITARY: UNION MILITARY BONDS.

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein:

That the State Auditor is hereby instructed to have the Union Military bonds authorized by the law of December 20th, 1865, printed from the same plates as were used for the Union Military bonds issued under the act of February 20th, 1865, with the names of the Secretary of State and

Auditor engraved and printed thereon; *Provided, however*, that the bonds authorized to be issued under the act approved December 20th, 1865, shall also be registered in the office of the Secretary of State; *And provided, further*, that neither the Auditor nor the Secretary of State shall receive any compensation for signing their names to the bonds aforesaid.

Approved March 5th, 1866.

MISSISSIPPI RIVER: OBSTRUCTIONS IN.

CONCURRENT RESOLUTION in relation to obstructions in the Mississippi river.

WHEREAS, the navigation and commerce of the Upper Mississippi and its tributaries has increased with unexampled rapidity,

And whereas, the food-producing States of the west and north-west require a cheaper and quicker mode of transportation for the products to foreign and domestic markets than is afforded by a transit over the lakes and 350 miles of canal, which renders the cost of transportation greater than that of production, throws the legitimate profits of the former into the hands of the transporter, a mode of transportation subject to great delays, and entirely unavailable during a great portion of the year, therefore,

Be it resolved by the House of Representatives, the Senate concurring therein:

That our Senators and Representatives in Congress are instructed to urge upon that body the expediency and importance of providing for the early improvement of the navigation of the Mississippi river, by a removal of the obstructions known as the Rock Island and Keokuk rapids, or by the construction of proper canals around the same as may be found to be the most practicable.

Approved February 8th, 1866.

NEW CONSTITUTION: PRINTING OF.

CONCURRENT RESOLUTION to pay for printing the New Constitution.

~~In the State Library, five hundred for the Board of Immigration, six hundred for the use of the Commissioner of Statistics, and the remainder to the members of the Twenty-fourth General Assembly, as other public documents.~~
~~That he be further authorized and required to examine and certify the accounts of the Public Printer for printing and binding the above named reports to the State Auditor, who shall draw his warrant on the treasury therefor, to be paid out of the fund appropriated for the contingent expenses of the General Assembly.~~
~~Approved March 13, 1867.~~

AUDITORS AND TREASURERS OFFICE.

CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring therein, as follows:

SECTION I. A committee of two on the part of the House, and one on the part of the Senate, shall be appointed by the respective presiding officers for the purpose herein set forth.

SEC. 2. The committee aforesaid shall, within one week after the adjournment of the present session of the General Assembly, enter the office and vault of the State Treasurer, and continue from day to day, until all Defense Warrants which then are in the Treasurer's vault; all Union Military Bonds of the issue of 1863; third, all Union Military Bonds of the issue of 1865; fourth, all Union Military Bonds of the issue of 1866, which then are in the Treasurer's vault, shall be introduced into the Union Military Bonds which then are in the Treasurer's vault; sixth, all Wolfscap Certificates which then are in the Treasurer's vault.

SEC. 3. To cancel all Auditors' warrants paid by the Treasurer and his predecessor up to and including December 31, 1866, by stamping or writing thereon "canceled."

SEC. 4. It shall be the duty of the State Treasurer to deliver to said committee all the effects and things enumerated in the two preceding sections.

SEC. 5. The committee shall count and destroy by burning, the effects and things enumerated in section two, and shall, at the close of each day, make a certificate stating the amount of each of the aforesaid credits counted and destroyed that day; said certificate shall, however, separate the amounts paid into the Revenue Fund from those paid into the Union Military Fund; said certificate shall also state separately the amount of Union Military Bonds redeemed for money by the Treasurer. Such certificates shall be made in duplicate, one to be delivered to the Treasurer, the other to be filed with the State Library.

the State Auditor, who shall thereupon credit the State Treasurer on his books with the amounts on said certificates; provided, however, that the Treasurer shall not receive credit again for Union Military Bonds redeemed by him on Auditor's warrants; and to that end the committee shall cause charges to be entered against the Treasurer on the books of the Auditor for the full amount of such double assets, including principal and interest, as they shall find and destroy, as herein and hereby required, and upon such destruction shall embrace the same in their certificate or certificates, and cause full credits therefor to be entered in favor of the Treasurer on the books of the Auditor, as also, in like manner, to cause to be adjusted in the books of the Auditor the double assets or credits as aforesaid, embraced in the certificate of the committee, of Union Military Bonds burned May, 1865, and the interest on such bonds therein embraced.

Sec. 6. Said committee shall also count and compare all bonds issued by the Pacific Railroad Company in aid of the Southwest Branch thereof, which were guaranteed by the State and exchanged for direct State bonds, which are then in the vault or possession of the Treasurer, and the committee shall compare the same with his registers of issue and see that the same are properly checked thereon. Said bonds shall then be destroyed by the committee, and a certificate stating the number and date of said bonds shall be made in duplicate and entered at length on the journals of the State Auditor and Treasurer.

Sec. 7. Said committee shall also cause to be delivered to the Auditor all coupons then in possession of the Treasurer, and the State Auditor shall give a receipt for the same, specifying the number and series of each of the coupons, and shall also certify for what amount of such coupons he or his predecessor in office have issued warrants, and for all coupons not then covered by warrants the treasurer shall receive from the Auditor a warrant on the proper fund for the amount of such coupons. And the Auditor shall immediately cancel said coupons on his register, as in the case of all other coupons.

Sec. 8. The committee hereby appointed shall receive the same compensation as is now allowed the committee authorized to examine the office of State Auditor and State Treasurer.

Sec. 9. The said committee shall also minutely examine the vouchers in the Auditor's office upon which warrants were issued on the Treasury from October 1, 1864, to September 30, 1866, inclusive, and the same carefully compare with the law; they shall cancel all such vouchers as shall to them appear to have been properly allowed, by writing or stamping thereon the words "approved and canceled," giving the date thereof and the name of one or more of the committee. If, in their examination of such vouchers, or any of them, the said committee or a majority thereof shall deem it proper, they may call on the Attorney General for his opinion, at any time or times, relative to the legality of any voucher or vouchers, or any part thereof. And all vouchers which, in whole or in part, shall not be approved by said committee, shall be by them reported to the next session of the General Assembly, giving number, date and total amount of such voucher or vouchers, the sum or sums, and item or items objected to, together with the reasons therefor.

Sec. 10. Said committee shall further make a full, complete and minute report of all their proceedings, as hereinbefore required, to the next session of the General Assembly.

Approved March 13, 1867.

SEC. 4. This act shall take effect and be in force from its passage.
Approved March 18, 1870.

TOWNS AND CITIES - VACATING STREETS AND ALLEYS.

AN ACT to amend section five of an act entitled an act providing for the vacating of streets, alleys, public squares and grounds of towns and cities, and providing for the change of the names of such towns and cities, approved January 30, 1866.

SECTION

1. County court may change name of any town or city, when.

SECTION

2. Fixes time for taking effect of act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. It is hereby enacted that section five of an act entitled an act providing for the vacating of streets, alleys, public squares and grounds of towns and cities, and providing for the change of the names of such towns and cities, approved January 30, 1866, be amended to read as follows: Such county court may change the name of any town or city upon a petition of a majority of the residents of such town or city liable to pay tax, and in case such change is made, notice thereof shall be given by publication, three weeks successively, in a newspaper of the county, if any, and if not, by written or printed notices, posted up in three of the most public places of such town or city, and a certified copy of the order of such change shall be recorded in the recorder's office of the county.

SEC. 2. This act shall be in force from and after its passage.
Approved January 17, 1870.

UNION MILITARY BONDS: PAYMENT OF.

AN ACT to regulate the payment of outstanding Union Military Bonds and the interest due thereon.

SECTION

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| 1. State Treasurer to pay outstanding bonds, in what order. | 5. Limitation for presentation and redemption of such bonds. |
| 2. Amount appropriated for such redemption. | 6. Conflicting acts repealed. |
| 3. Public notice to be given by State Treasurer. | 7. Act to take effect, when. |
| 4. Record of bonds as are presented after exhaustion of appropriation to be kept. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The State Treasurer shall pay the outstanding Union military bonds of the State of Missouri, and the interest due thereon, in the following order: First, such as have been received by the various county collectors of this State for taxes as have reported the amounts held by them, with the interest receipts duly certified to by the proper officers of the county; second, such Union military bonds and interest due thereon as have been left in the treasurer's office by parties, and demanded payment therefor; third, such Union military bonds and interest due thereon, as may be presented at his office by persons or corporations which the treasurer believe genuine; *provided, however,* that the parties demanding shall not receive any interest from the sixth day of November, eighteen hundred and sixty-seven to the third day of February, eighteen hundred and sixty-nine. All interest accrued prior and after the time specified shall be paid by the treasurer.

SEC. 2. The amount paid by the provisions of this act by the State Treasurer for Union military bonds and interest shall not exceed the sum of fifteen thousand six hundred and ninety-seven dollars and thirty-two cents (\$15,697 32.)

SEC. 3. The State Treasurer shall, immediately upon the approval of this act, give public notice in at least six daily and four weekly newspapers published in this State, for four weeks consecutively, that all Union military bonds must be presented to him within nine months from the date of the approval of this act, and that such Union military bonds not presented to him by the first day of February, 1871 eighteen hundred and seventy-one, shall be forever barred, and that the same will not be paid thereafter by the State. The expense of such advertisement shall be paid out of the treasury, out of any money not otherwise appropriated.

SEC. 4. The State Treasurer shall keep a record of such Union military bonds presented at his office for payment, if he considers them genuine, as he cannot pay, the amount in this act named having been exhausted; he shall record the amount of the bonds presented by the person or corporation, the name of the same shall likewise be entered. The treasurer may receive and hold such bonds not paid, and give his receipt therefor for their safe keeping.

SEC. 5. All Union military bonds not presented at the office of the State Treasurer by the first day of February, eighteen (hundred) and seventy-one, and the interest accrued thereon shall be forever barred, and no obligation shall rest upon the State to pay any part thereof after the time named.

SEC. 6. All acts and parts of acts conflicting with this act, are hereby repealed.

SEC. 7. This act to take effect and be in force upon the approval thereof.

Approved February 15, 1870.

WILLS.

AN ACT to amend section twenty-eight of chapter one hundred and thirty-one of the General Statutes of Missouri, relating to wills.

SECTION

1. Last wills required to be recorded in recorder's office, where lands are devised thereby.

SECTION

2. Conflicting acts repealed.
3. Act to take effect, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Section twenty-eight of chapter one hundred and thirty-one of the General Statutes of Missouri, be so amended as to read as follows: Section 28. In all cases where lands are devised by last will, a copy of such will shall be recorded in the recorder's office, in the county where the land is situated, and if the lands are situated in different counties, then a copy of such will shall be recorded in the recorder's office in each county within six months after probate.

SEC. 2. All acts and parts of acts conflicting herewith are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved January 26, 1870.

LOCAL LAWS.

CORPORATIONS: AGRICULTURAL SOCIETIES.

AN ACT to relieve the Southwestern and Southeastern Agricultural Societies from forfeiture.

SECTION

1. Said societies relieved from forfeiture provided for in former act.

SECTION

2. Act to take effect, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The southwestern and southeastern agricultural societies incorporated by an act entitled an act to repeal an act entitled an act to incorporate the Missouri State Agricultural Society, and to divide the State into districts for the establishment and incorporation of district agricultural societies, approved December 13, 1855, are hereby relieved from the operation of, and forfeiture provided for in section two of said act, and all the rights and privileges, of whatsoever kind, which are or may be prejudiced, forfeited, or lost, by the terms of the second section of said act, are hereby fully restored to said societies.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1870.

CORPORATIONS: BRIDGETON ACADEMY.

AN ACT to amend an act entitled an act to incorporate the Bridgeton Academy, approved February 12, 1864, by adding a new section thereto.

SECTION

1. Board of trustees of town authorized to levy tax for support of Bridgeton Academy.

SECTION

2. Conflicting acts repealed.
3. Act to take effect, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The act entitled an act to incorporate the Bridgeton Academy, approved February 12, 1864, is hereby amended by adding

of managers, upon previous orders of such board directing the issuance of such requisitions, in favor of the treasurer of the asylum, and the auditor of state, who, on presentation of such requisitions, shall draw his warrant on the treasurer of the state for the amounts of such requisitions in favor of the treasurer of said state lunatic asylum No. 2. Sec. 3. The late commissioners of said asylum, as well as the secretary of the board thereof, shall deliver or cause to be delivered, without delay, all books, journals, records and other proceedings and contracts, letters, and papers whatever, pertaining to their official business in regard to said asylum, to the secretary of the present board of managers are hereby authorized, for and on behalf and in the name of the state of Missouri, and to and for the use of said asylum, to sue for and recover of and from the said commissioners, and the said secretary, or either of them, all books, journals, records and other proceedings and contracts, letters and papers pertaining to their official business as aforesaid; and the court shall enforce any judgment rendered in the cause against the defendants to such judgments by attachment against the persons of such defendants.

Sec. 4. This act shall take effect and be in force from and after its passage.

APPROVED March 30, 1874.

APPROPRIATIONS: UNION MILITARY BONDS.

AN ACT to amend section five of an act entitled "An act to regulate the payment of outstanding Union Military bonds and the interest due thereon," approved February 15, 1870.

SECTION
1. Amounts appropriated.
2. Warrants to be canceled.

SECTION
3. Act takes effect immediately.

WHEREAS, The following named persons hold outstanding union military bonds and defense warrants of this state which have not been paid, in amounts, respectively, as follows, to-wit: D. Ransom, twenty-five dollars; V. O. Peets, one hundred and ninety-five dollars; R. B. Palmer, thirty dollars; S. W. Headlee, five dollars; National bank of the state of Missouri, one dollar; Wm. J. Davis, three hundred and thirty-seven dollars; Wm. Porth, thirty-five dollars; D. M. Draper, twenty dollars; Bartholow, Lewis & Co., one dollar; Kieher, Smith & Co., eleven dollars; R. M. Ringo, forty-seven dollars; Daniel P. Maberry, sixty dollars; A. H. Edwards, administrator of estate of R. A. Wallon, one hundred and eighty-three dollars; J. C. Sellers, eighty-five dollars; Curry & Kirby, two hundred and fifty dollars; Laussig, Gemp & Co., two hundred and fifty dollars; J. E. Cadle, eighty-four dollars; T. R. Child, twenty dollars; N. A. Winters, one dollar; Thomas J. Flint, fifty dollars;

John H. Gregory, one dollar; John Biscoe, ten dollars; Cyrus Thompson, one dollar; William Dozier, ten dollars; Wm. Morrison & Co., four hundred and thirty-six dollars; W. R. Davenport, ninety-five dollars; James K. Sholey, ten dollars; M. & J. Obermayer, thirty-four dollars; Philip E. Chappell, fifty-nine dollars; E. Hilger & Co., one dollar; James Titterington, ten dollars; W. H. Halliburton, thirty-five dollars; J. W. Black, twenty-seven dollars; P. H. Beadles, twenty-one dollars; and whereas, said outstanding union military bonds and defense warrants are respectively due the aforesaid parties, together with three years' interest thereon at the rate of six per cent. per annum: therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The state auditor is hereby authorized and required to

draw his warrant on the state treasurer in favor of the aforesaid persons, respectively, upon presentation to him of the respective amounts of union military bonds and defense warrants to which each is entitled as above set forth, as follows: D. Ransom, twenty-nine dollars and fifty cents; V. C. Peers, two hundred and thirty dollars and ten cents; Wm. Forth, forty-one dollars and thirty cents; R. B. Palmer, thirty-five dollars and forty cents; S. W. Headlee, five dollars and ninety cents; E. Hilger & Co., one dollar and eighteen cents; National bank of the state of Missouri, one dollar and eighteen cents; Daniel P. Maberry, seventy dollars and eighty cents; Wm. J. Davis, three hundred and ninety-seven dollars and sixty-six cents; D. M. Draper, twenty-three dollars and sixty cents; Bartholow, Lewis & Co., one dollar and eighteen cents; R. M. Ringo, fifty-five dollars and forty-six cents; Keleher, Smith & Co., twelve dollars and ninety-eight cents; A. H. Edwards, administrator of estate of R. A. Walton, two hundred and fifteen dollars and ninety-four cents; Curry & Kirby, two hundred and ninety-five dollars; Tausig, Gemp & Co., two hundred and ninety-five dollars; J. E. Cadle, ninety-nine dollars and twelve cents; J. R. Child, twenty-three dollars and sixty cents; N. A. Winters, one dollar and eighteen cents; Thomas J. Flint, fifty-nine dollars; John H. Gregory, one dollar and eighteen cents; John Biscoe, eleven dollars and eighty cents; J. C. Sellers, ninety dollars and ten cents; Cyrus Thompson, one dollar and eighteen cents; Wm. Dozier, eleven dollars and eighty cents; Wm. Morrison & Co., five hundred and fourteen dollars and forty-eight cents; W. R. Davenport, one hundred and twelve dollars and ten cents; James K. Sholey, eleven dollars and eighty cents; M. & J. Obermayer, forty dollars and twelve cents; Philip E. Chappell, sixty-nine dollars and sixty-two cents; James Titterington, eleven dollars and eighty cents; W. H. Halliburton, forty-one dollars and thirty cents; P. H. Beadles, twenty-four dollars and seventy-eight cents; J. W. Black, one dollar and eighty-six cents; Charles W. Schwertzee, thirty-two dollars and ninety-two cents.

Sec. 2. The state auditor shall record the denominations and dates of issue of said union military bonds and defense warrants, and the names of the persons from whom they were received, and he shall write across the face of said union military bonds and defense warrants the word "paid," and cancel them with some appropriate mark of cancellation, and file the same in his office.

Sec. 3. This act shall take effect and be in force from and after its passage.

§ 23. Discrimination between companies and individuals

No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise; and no railroad company, or any lessee, manager or employe thereof, shall make any preference in furnishing cars or motive power.

§ 24. Free passes, granting to public officers, forfeiture

No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State, or county, or municipal officers; and the acceptance of any such pass or ticket, by a member of the General Assembly, or any such officer, shall be a forfeiture of his office.

BANKS**§ 25. State banks and State owning stock in banks forbidden**

No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock company, or association for banking purposes, now created or hereafter to be created.

§ 26. Act creating banks to be submitted to the people—exception

No act of the General Assembly authorizing or creating corporations or associations with banking powers, (except banks of deposit or discount,) nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.

§ 27. Banks, insolvent, not to receive deposits

It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution, after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent or manager shall be individually responsible for such deposits so received, and all such debts so created with his assent.

the end of every twelve months after the commencement of his business, any refused stock of goods which he may have on hand for six months preceding, without obtaining an auctioneer's license for that purpose.

Approved March 14, 1885.

BANKING: ILLEGAL CURRENCY—FOREIGN CAPITAL.

AN ACT to repeal sections 4190, 4191, 4192 and 4193, chapter 79 of the Revised Statutes of Missouri, 1879, entitled "of banking—illegal currency."

SECTION

1. Sections repealed.

SECTION

2. Emergency.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That sections 4190, 4191, 4192 and 4193 of chapter 79 of the Revised Statutes of the state of Missouri, 1879, entitled "of banking—illegal currency," be and the same are hereby repealed.

SEC. 2. The fact that all bonds, bills, notes or other instruments of writing, securing the payment of any money loaned or advanced by any foreign corporation or unincorporated banking company located or doing business by its agents or officers within this state, are, by section 4193, declared null and void, thereby making a discrimination against foreign capital, constitutes an emergency within the meaning of the constitution for the immediate going into effect of this act; therefore, this act shall take effect and be in force from and after its passage.

Approved February 3, 1885.

BONDS:—STATE FUNDING.

AN ACT to provide for issuing funding bonds in redemption of bonds of the state, maturing in the years 1886, 1887 and 1888.

of a federal reserve bank, and while it continues such member, shall be required to maintain only such reserves as are required by the federal reserve act and any amendments thereto.

4. Any director, officer or employe of a bank who makes any agreement, express or implied, before or at the time of issuing a certificate of deposit by which its holder may demand or receive payment thereof in advance of its maturity, or who before or at the time of receiving a savings deposit, makes an agreement, express or implied, by which the holder of the savings pass book may demand or receive payment of the savings deposit in advance of the time provided for payment under the rules and regulations under which the savings deposit was received, shall forfeit and pay the sum of one hundred dollars for each violation of this provision to be collected as provided for in this act.

Approved May 19, 1919.

[S. B. 105.]

BANKS, TRUST COMPANIES, SAVINGS BANKS AND SAFE DEPOSIT INSTITUTIONS: Illegal Currency.

AN ACT to repeal sections 1174 to 1178, both inclusive, and to enact a new section in lieu thereof to be known as section 1174, prohibiting the putting in circulation or the use of illegal currency and prescribing the punishment therefor.

SECTION

1. Repealing certain sections.

SECTION

1174. Illegal currency.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing certain sections.—That sections 1174 to 1178, both inclusive, of the Revised Statutes of Missouri, 1909, be and the same are hereby repealed and the following new section enacted in lieu thereof to be known as section 1174 and to read as follows:

Sec. 1174. Illegal currency.—Any person not authorized by law who shall put in circulation as a circulating medium any note, bill, check, ticket, or other instrument of writing, purporting or evidencing that any money will be paid to the receiver, bearer or holder thereof, or to any person by any name or description whatsoever, or that it will be received in payment of debts, or be used as a currency or medium of trade, in lieu of money, or who shall vend, pass, receive or offer in payment any such note, bill, check, ticket, or other such currency, shall upon conviction be adjudged guilty of a misdemeanor.

Approved May 22, 1919.

[S. B. 509.]

BANKS, TRUST COMPANIES, SAVINGS BANKS AND SAFE DEPOSIT INSTITUTIONS: State Banking Department.

AN ACT to amend section 8 of an act approved March 25, 1915, laws of Missouri 1915, page 102 and following, being an amendment of article I, chapter 12 of the Revised Statutes of Missouri 1909, which said section and article concerns state banking department, by adding thereto certain words.

Art. 11, § 13 CONSTITUTION OF 1945

BANKS

§ 13. Exclusion of state from banking

Section 13. No state bank shall be created, nor shall the state own or be liable for any stock in any corporation, joint stock company, or association for banking purposes.

Historical Note

Source: Const.1875, art. 12, § 25.

Const.1875, art. 12, § 25, contained substantially the same provisions as this section.

Const.1875, art. 12, § 26, required submission to the voters at a general election of any act of the general assembly authorizing or creating banking corporations, except banks of deposit or discount.

Const.1875, art. 12, § 27, made it a crime for any bank officer to assent to reception of deposits or creation of debts by bank with knowledge of its insolvency, and provided that such officer should be individually responsible.

The Constitutions of 1865 and 1820 contained no such provision.

Cross References

Banking business limited to established banks, see V.A.M.S. § 362.420.
Banks in general, see V.A.M.S. § 362.010 et seq.
Private banks prohibited, see V.A.M.S. § 362.015.

Library References

Banks and Banking ↪22 et seq., C.J.S. Banks and Banking §§ 41, 73
47(1). ct seq.

Notes of Decisions

I. Construction and application

The purpose of Const.1875, art. 12, § 26, requiring submission to voters of an act creating a banking corporation, was to prevent the incorporation of banks of issue, without the act creating such corporations or as-

sociations with banking powers first being submitted to the people. *State v. Reid* (1894) 28 S.W. 172, 125 Mo. 43; *State ex rel. Crow v. Lincoln Trust Co.* (1898) 46 S.W. 503, 144 Mo. 562.

ARTICLE VIII

OF BANKS

The general assembly may incorporate one banking company, and no more to be in operation at the same time.

The bank to be incorporated may have any number of branches not to exceed five, to be established by law; and not more than one branch shall be established at any one session of the general assembly. The capital stock of the bank to be incorporated shall never exceed five millions of dollars, at least one half of which shall be reserved for the use of the state.

ARTICLE IX

OF THE MILITIA

§ 1. Field officers and company officers shall be elected by the person subject to militia duty within their respective commands. Brigadiers general shall be elected by the field officers of their respective brigades; and majors general by the brigadiers and field officers of their respective divisions, until otherwise directed by law.

§ 2. General and field officers shall appoint their officers of the staff.

§ 3. The governor shall appoint an adjutant general, and all other militia officers, whose appointments are not otherwise provided for in this constitution.

ARTICLE X

OF MISCELLANEOUS PROVISIONS

§ 1. The general assembly of this state shall never interfere with the primary disposal of the soil by the United States, nor with any regulation congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States, nor shall lands belonging to persons residing out of the limits of this state, ever be taxed higher than the lands belonging to persons residing within the state.

BANKING.

AN ACT to prevent illegal Banking, and to suppress the circulation of small bank notes, and other depreciated paper currency within the limits of this State.

| Section | Section |
|---------|---------|
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 6 |
| 7 | 7 |
| 8 | 8 |
| 9 | 9 |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. From and after the first day of July, in the year 1843, no corporation, corporate body or body politic, within the limits of this State (the bank of the State of Missouri and its branches inclusive) nor any money broker, or exchange dealer shall pass or receive, within the limits of this State any bank note, or other paper currency, of any kind, promising or ordering the payment of money or other thing, of less denomination than five dollars; nor of less denomination than ten dollars from and after the first day of January, in the year 1841.

§ 2. From and after the first day of July, in the year 1843, no corporation, corporate body or body politic, within the limits of this State (the Bank of the State of Missouri and its branches inclusive) nor any money broker or exchange dealer shall pass or receive within the limits of this State, any suspended, or non specie paying, bank note or post notes issued as currency.

§ 3. All contracts and transactions whatever, made by any corporation, corporate body or body politic, (the Bank of the State of Missouri and its branches inclusive) or by any money broker or exchange dealer within the limits of this State, founded upon loans or payments, made in such prohibited notes or currency, after the respective days limited for the circulation of the same in the two preceding sections of this act, shall be null and void, and of no force or effect in any court in this State.

§ 4. From and after the taking effect of this act, no corporation, corporate body or body politic within the limits of this State, (the Bank of the State of Missouri and its branches excepted,) shall exercise any banking privileges, either by issuing notes or any species of paper currency whatever, or by receiving money on deposit, or by discounting notes, bills or bonds, or by dealing in exchange, or by lending and collecting money, or by doing any other banking business whatever, and all enactments and clauses in any charter, or in any act of incorporation, supposed or purporting to confer such banking privileges, or any one of them, on such corporation, corporate body or body politic, (the Bank of the State of Missouri and its branches excepted) are hereby declared to be contrary to the constitution of this State, and null and void; and all acts done and contracts made by virtue of any such supposed privilege, after the passing of this act, by any such corporation, corporate body, or body politic, (the Bank of the State of Missouri and its branches excepted) shall be null and void, and no court in this State shall admit or enforce the same.

§ 5. All officers and members of any corporation, corporate body or body politic, within the limits of this State, (the officers and members of the Bank of the State of Missouri and its branches inclusive) offending in their

official capacity, against any of the provisions of this act, shall be subject to a fine of five hundred dollars, upon indictment and conviction for every such offence: one half to go to the prosecutor in the case, and the balance to the use of the State.

§ 6. The charters of all corporations, corporate bodies and bodies politic, within the limits of this State, (the Bank of the State of Missouri and its branches inclusive) violating or evading any of the provisions of this act, shall be forfeited for any such violation or evasion, and the fact of such forfeiture, or any violation or evasion of this act, of any part of this act, may be pleaded in bar to any suit brought by them, and it decided, the trial of the question of such forfeiture or evasion or violation shall be adjourned under the direction of the court, and a change of venue awarded, upon the application of the defendant or defendants, to some county in which such corporation, corporate body or body politic is not situated.

§ 7. Any money broker or exchange dealer, within the limits of this State, who shall violate or evade any of the provisions of this act, shall be subject to the same penalties, as are now prescribed by law, for following such business without a license, and shall moreover be subject to a fine of not less than one thousand dollars, upon indictment and conviction for every such offence: one half to go to the prosecutor, in the case and the balance to the use of the State.

§ 8. The provisions of this act shall not be so construed as to prevent the Bank of the State of Missouri, or its branches, from disposing of the depreciated paper of other banks now on hand, *provided* the same shall not be put in circulation in this State.

§ 9. Nothing in this act contained shall be so construed, as to prevent any sheriff, coroner or other collecting officer from receiving any money or bank note paper that the plaintiff himself, in any suit, would have liberty to receive, when said plaintiff shall authorize the officer to receive the same.

This act to take effect from its passage.

APPROVED Feb. 28, 1843.

BONDS.

AN ACT in relation to State bonds.

Former law (authorizing the mortgage, pledge or hypothecation of State bonds by the Bank) repealed.

WHEREAS, it is believed by this General Assembly that it is inexpedient and improper to give to the Bank power to mortgage, pledge or hypothecate the bonds of the State for a less sum than the amount of the bonds, therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The tenth section of the act entitled "an act amendatory of an act entitled, an act to charter the Bank of Missouri," approved February 8th, 1839, is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 22, 1843.

ALIENS.

AN ACT in behalf of alien heirs and devisees.

- § 1. Alien heirs authorized to sell real estate within a limited time, which they may inherit in this state.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That it shall hereafter be lawful for every alien who, except for his alienage, would be entitled to any real estate by devise or inheritance from any person hereafter dying, capable at the time of his death of holding real estate situate in this state, to legally sell, for his own use, and convey the title thereof to any person capable of holding real estate situate within this state; *provided*, he make such sale and conveyance within three years next after the death of him from [whom] he shall claim such devise or inheritance.

§ 2. If any such alien be a minor under the laws of this state, such sale and conveyance may be made by a guardian, who shall be a citizen of this state; and all sales and conveyances under this act shall be according to the powers prescribed by the laws of this state.

This act shall take effect and be in force from and after its passage.

Approved February 22, 1855.

* PROPOSED AMENDMENT TO THE CONSTITUTION.

Resolved by the General Assembly of the State of Missouri, two thirds of each House concurring therein, That all that territory, now known as the county of Schuyler, is hereby declared to constitute a constitutional county, and as such, shall be entitled to all the privileges, civil and political, which now belong to any county within the state of Missouri.

Approved February 13, 1855.

PROPOSED AMENDMENT TO THE CONSTITUTION IN RELATION TO BANKING.

- § 1. Amendment proposed to increase number of banks with certain restrictions.

Resolved by the General Assembly of the State of Missouri, two thirds of each House concurring therein, That the following be proposed as an amendment to the constitution of this State:

§ 1. Article eight of the constitution of the state of Missouri respecting banks, be, and the same is hereby abolished, and the following substituted in lieu thereof:

Article VIII. The general assembly shall have power to establish such bank or banks as may be deemed necessary for the interests of the state:

APPROPRIATIONS.

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but every bank so established shall be based upon a specie capital, and made liable to redeem its issues in gold or silver; *provided*, that the number of banks chartered shall never exceed ten, and the aggregate amount of capital shall never exceed twenty millions of dollars.

Approved March 3, 1855.

APPROPRIATIONS.

AN ACT appropriating money for the support and enlargement of the State Lunatic Asylum.

- § 1. Fifty thousand dollars appropriated to the State Lunatic Asylum. § 2. Ten thousand dollars additional appropriated for finishing buildings.
2. Former law respecting an idiot repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of fifty thousand dollars be, and the same is hereby appropriated, out of any moneys in the treasury of the state not otherwise appropriated, for the use of the state lunatic asylum, to be expended and applied by the managers of said state lunatic asylum, in payment of the present liabilities of said asylum, and for such current and incidental purposes and expenses as the said managers may deem it necessary for the utility of the asylum and welfare of the inmates; and the treasurer of the state is directed to pay to the treasurer of the state lunatic asylum, upon the warrants of the auditor of public accounts, such sum or sums of money appropriated by this section, as may be certified by the managers as required for the use of the asylum; such requisitions on the auditor shall be signed by at least two of the managers, and they shall be made not oftener than quarterly yearly from the first of April, 1855; they shall not be at one time for a larger amount than six thousand dollars; and the sum not exceeding twenty thousand dollars may be drawn upon the passage of this act; and, *provided*, they shall not, in the aggregate, exceed the amount appropriated by this section.

§ 2. The act approved February 24, 1853, entitled, an act to authorize the guardians of Theodore McGready (an idiot) to place their ward in the lunatic asylum, and for other purposes is hereby repealed. The managers of the state lunatic asylum are directed to cause to be paid to his heirs as law and their proper curators or executors, if any be living, the sum of eight hundred dollars out of the moneys appropriated by the last preceding section of this act.

§ 3. The further sum of ten thousand dollars is hereby appropriated, out of any money in the treasury of the state, and the same is appropriated, to the use of the said lunatic asylum, to be expended and applied by the managers of said asylum, in finishing and furnishing the pavilion and wing now in progress, and in such other improvement of the building as may be deemed necessary by the board of managers, and the same shall be paid to the treasurer of the state lunatic asylum.

BANK COMMISSIONER.

AN ACT to abolish the office of Bank Commissioner.

- § 1. Bank Commissioner shall complete the records of his office: within what time; who make final semi-annual report to the Governor; he shall deliver plates and dies; to whom; office of Bank Commissioner abolished; conflicting acts repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. On or before the first day of March, 1866, the Bank Commissioner shall cause all the records of his office to be completed, and shall forward the same to the Secretary of State, at Jefferson City, to be by him taken charge of and preserved. He shall make his final semi-annual report to the Governor as is now required by law. The bank note plate and dies in his possession, in trust for the various banks of the State, shall be by him delivered to the President of such banks respectively, as have not gone into the national banking system; take their receipts therefor and file the same with, and as part of the records of the office. On the said first day of March, 1866, and when the foregoing duties have been performed by said Bank Commissioner, his office shall be considered as being abolished and discontinued, and said officer shall be relieved from the obligations of his official bond. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 27th, 1865.

Laws of Mo 1865

CLAIMS: IRREGULAR.

AN ACT to amend an act and extend the jurisdiction of the Quartermaster General of the State, in the allowance of irregular claims and an act to protect the State of Missouri against illegal claims. Approved February 15th, 1864, and extended by act of February 15th, 1865.

- § 1. Jurisdiction of Quartermaster General extended; act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the jurisdiction of the Quartermaster General is hereby extended so as to embrace all claims accruing since 15th February, 1864. *Provided, however,* that nothing in this act shall be so construed as to justify the allowance or settlement of any claim of disloyal persons, or parties which are not able to establish their loyalty, to the Federal Government, as now required by law.

This act to take effect and be in force from and after its passage.

Approved March 5th, 1866.

CLAIMS: IRREGULAR.

AN ACT to authorize the State Auditor to allow certain irregular claims.

- § 1. Auditor shall draw his warrant for certain claims; provided, etc. § 2. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The State Auditor is hereby authorized to audit and draw his warrant in favor of all claims against the State of Missouri which accrued after the first day of January, eighteen hundred and sixty, notwithstanding they were not presented within two years from date of such accounts or claims; *Provided, however,* that the said State Auditor shall be satisfied by evidence that said claims were not presented in the consequence of the disorganized condition of the counties in which said claimant may have resided at the time the account should have been presented; and that the account is in every other respect legal by the Statutes of the State of Missouri; and *Provided further,* that the claimant shall give satisfactory evidence of loyalty to the government of the United States.

- § 2. This act to take effect and be in force from and after its passage. Approved March 19th, 1866.

CONVICTS.

AN ACT concerning Convicts.

- § 1. Convicts in Penitentiary behaving according to rules and regulations of the prison, Inspectors may recommend for pardon. § 2. Convicts under sentence for life shall be entitled to the same privileges, after fifteen years of their imprisonment. 3. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That when any person imprisoned in the Penitentiary of the State of Missouri shall have, during the whole time of his or her imprisonment, behaved according to the rules and regulations of that institution, to the full satisfaction of the Inspectors, then the said Inspectors, on the expiration of three-fourths of the time for which such person was sentenced, shall write and sign a testimony to that effect and present the same to the Governor of Missouri, with a recommendation that such person be pardoned.

§ 2. That whenever any account for labor done or materials furnished in the building of said Armory shall be presented to the State Auditor for payment, signed and approved by the Commissioner of the Permanent Seat of Government, whose duty it shall be to examine and pass upon such claims; the said Auditor is hereby authorized and required to draw his warrant in favor of the holder of any such account for the amount certified as due by the said Commissioner.

This act to take effect and be in force from and after its passage.

Approved March 5th, 1866.

ATTORNEYS: CIRCUIT.

AN ACT in relation to the Circuit Attorney of St. Louis county.

- § 1. Compensation of Circuit Attorney of St. Louis county. | § 2. Act, when to take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Circuit Attorney of St. Louis county shall receive for his services, in lieu of the fees heretofore allowed him by law, in trial of cases of misdemeanors, or other than felony cases, a salary of one thousand dollars per annum, to be paid quarterly by the county of St. Louis.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 19th, 1866.

Laws of Mo 1866

BANKS: STATE OF MISSOURI.

AN ACT to authorize the Bank of the State of Missouri to reorganize as a National Bank, to provide for the sale of the stock owned by this State in said Bank, and to protect the Seminary and Common School Fund, and provide for its safe investment.

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| <p>§ 1. Bank of the State of Missouri may reorganize as National Bank under act of Congress.</p> <p>2. If majority of stockholders is in favor of reorganizing as National Bank, the State interest shall inure; to whom.</p> <p>3. Such National Bank shall have nine directors; how elected and appointed; two only appointed, when.</p> <p>4. Governor to appoint an agent; duties of agent and his compensation.</p> <p>5. Agent to advertise stock for sale, etc.; purchaser to pay into State treasury within what time; Treasurer to give duplicate receipts therefor; duties of Governor and duties of the Bank.</p> | <p>§ 6. Bank stock owned by the State to be sold only for money or bonds of this State.</p> <p>7. Treasurer shall invest proceeds in interest bearing bonds of the United States; Treasurer considered debtor, until when, and pay interest out of treasury.</p> <p>8. Act, when to take effect.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Bank of the State of Missouri shall have power and is hereby authorized to reorganize as a national banking company, under and in pursuance of a law of the United States, entitled "an act to provide a national currency secured by a pledge of the United States stocks and to provide for the circulation and redemption thereof," approved February 25th, 1863, and the several amendments thereto.

§ 2. If a majority in interest of the stockholders of said bank, at a meeting called for that purpose by the directors of said bank, shall vote in favor of reorganizing as a national banking association, said bank shall issue to the State or to the purchaser or purchasers of the State interest therein, as hereinafter provided, a certificate or certificates for the amount of the stock now held by the State in said bank at the time of said reorganization.

§ 3. Said national banking company, if organized as hereinbefore provided, shall have nine directors, six of whom shall be elected by the private stockholders, and three of whom shall be appointed by the Governor; *Provided, however*, if the stock held by the State shall be reduced by sale or otherwise, as hereinafter provided, below nine hundred thousand dollars, then only two directors shall be appointed by the Governor, and seven shall be elected by the private stockholders; and, *Provided further*, that the State shall have only one director for every three hundred thousand dollars of stock held by it in said bank.

§ 4. The Governor shall appoint a competent agent in behalf of the State, whose duty it shall be to sell the stock now held by the State in its own right, and as trustee for the Seminary Fund and the Common School Fund, or the stock which may be issued to it therefor as hereinbefore provided in the manner hereinafter provided; said agent shall receive as compensation for his services such compensation as the Governor may deem reasonable and proper, not to exceed the sum of one thousand dollars, to be paid pro rata out of the several funds for which said stock is now held, and in like manner all other expenses attending said sale shall be paid pro rata out of said several funds for which said stock is now held as aforesaid.

§ 5. Immediately after his appointment, said agent shall proceed to cause said stock to be advertised for sale in one or more newspapers pub-

lished in the cities of St. Louis, Boston, New York and Philadelphia, for the period of not less than thirty days, and shall invite sealed proposals for the purchase of said stock, or any part thereof, and from such proposals said agent shall report to the Governor those which offer in good faith the largest price and the terms most advantageous for the State, and if, in the opinion of said agent, any of said proposals so received shall appear to be the fair value of said stock, he shall mention that fact in said report, and if such proposal shall be approved by the Governor, the whole or any part of said stock may be sold accordingly, in which event the person or persons submitting said proposal shall be notified by said agent of the acceptance of his or their said proposal, and within thirty days after such notice the said purchaser or purchasers shall pay or deliver to the Treasurer of this State the money or other securities as hereinafter provided to the amount of his or their said proposal, and the Treasurer shall give his duplicate receipts, one of which shall be filed with the Auditor therefor, and upon the production of this receipt the Governor shall assign and transfer said stock on the books of said bank, and said bank shall issue to such purchaser or purchasers a certificate or certificates therefor, which said certificates shall be taken and considered as a complete cancellation of all claim or interest in behalf of the State, and of said several funds for which said stock is now held, and the holder or holders of such certificates shall be entitled to all the rights and privileges, and subject to all the liabilities now enjoyed by the private stockholders in said bank, or to which they are entitled; *Provided, however*, that no such sale shall be valid until submitted to and approved by the Governor in writing.

§ 6. The said bank stock, so owned by the State, in its own right or as trustee for the seminary and school funds, as aforesaid, shall be sold only for money or the bonds of this State now due or hereafter to become due, or the coupons of any such bonds, and the purchaser or purchasers thereof shall have the option of paying for said stock either in lawful money of the United States or in any of the bonds of this State now due or to become due, and the coupons of any such bonds.

§ 7. As soon as practicable after said sale is completed the Treasurer shall invest the proceeds received from said stock now held for the benefit of the Common School Fund, and that held for the benefit of the Seminary Fund, in the interest bearing bonds of the United States; and, until the same shall be so invested, the State shall be held and considered the debtor of said several funds, and the Treasurer shall pay to said several funds out of any money then in the treasury the interest on the full amount of said several funds at the rate of six per cent. per annum, said interest to be so paid semi-annually on the first day of January and July next after said sale.

§ 8. This act shall take effect from its passage.

Approved March 5th, 1866.

BANK: STATE OF MISSOURI.

AN ACT to authorize the Bank of the State of Missouri to reduce the capital stock, to consolidate its branches, and to define their relations to the parent bank.

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| § 1. Capital stock of bank may be reduced, <i>provided</i> , | § 5. Stock in branch banks may be surrendered to parent bank. |
| 2. Branch banks may be discontinued; when, etc. | 6. This act shall not be so construed, as to interfere with what act. |
| 3. Business of branch bank shall cease, when. | 7. Act, when to take effect. |
| 4. Directors of branch bank how appointed and elected. | |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Bank of the State of Missouri, may be reduced to any sum, not less than one million dollars; *Provided*, a majority in interest of the stockholders of said bank, shall so determine at an election, to be held for that purpose, at such time as the Board of Directors of the parent bank at St. Louis may appoint, and said capital stock shall be apportioned between said parent bank, and the several branches thereof as said Board of Directors may deem equitable and proper to accommodate the business of said several localities, and promote the interest of said bank.

§ 2. Said Board of Directors may, at any time, with the consent of the Board of Directors of any branch of said bank, discontinue the business of any such branch, and may sell all or any part of its assets and good will, or may transfer the same to said parent bank, or any one of said remaining branches.

§ 3. If, at any time, the capital stock of any branch bank shall be reduced to a sum less than fifty thousand dollars, the business of said branch bank shall cease, and its effects shall be sold or transferred, as in the last preceding section is above provided.

§ 4. Five of the directors of each of said branch banks, shall be appointed by the Board of Directors of said parent bank, and four shall be elected by the private stockholders of such branch bank.

§ 5. Any person owning stock in any of said branch banks, may at any time surrender the same to said parent bank, and receive therefor stock in said parent bank.

§ 6. Nothing in this act shall be so construed, as to effect or interfere with the provisions of an act entitled "an act to authorize the Bank of the State of Missouri, to reorganize as a National Bank; to provide for the sale of the stock owned by this State in said bank, and to protect the Seminary and Common School Fund, and provide for its safe investment," approved March 5th, 1866, so as to authorize or enable said bank or branches, to either reduce their capital stock, or wind up their business, in any other manner than as provided in said act, until the stock held and owned by the State in said bank or branches, and the interests of the Seminary and School Funds have been disposed of, according to terms therein set forth.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 20th, 1866.

panies in such cases: *Provided*, That no subscription shall be reduced for a less number than ten shares, so long as any subscription of a larger number is in the books.

§ 58. If any vacancy occur among the directors appointed by the private stockholders, such vacancy shall be filled by the other directors on the part of the private stockholders, and the person thus appointed shall hold his office until a general meeting of the stockholders shall be held.

§ 59. The president and directors on the part of the State shall have power, immediately after their appointment to take the necessary steps to endeavor to negotiate and purchase the debt which may be due to the agency of the Commercial Bank of Cincinnati, at St. Louis; and said purchase shall be made on such terms as to them may seem most to the interest of the bank; and they shall have power to open a negotiation with the Secretary of the Treasury of the United States, or other officer thereof, for the receiving and disbursing of the revenue of that government; and it shall be the duty of the president and directors, on the part of the State, to continue to manage the debt so purchased, as aforesaid, according to the usages and customs of banks, until the time of the organizing of said bank according to this act, and for the purposes aforesaid, and to the extent of said debt, the said president and directors, on the part of the State, shall, and may exercise all the powers in this act given to the whole board of directors.

This act to take effect from its passage.

Approved Feb. 2, 1837.

BANK AGENCIES.

AN ACT to regulate Foreign Banking Companies for settling up Accounts, and to regulate the Business of Banks within this State.

| Section | Section |
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| 1. To regulate the business of banks within this State. | 1. To regulate the business of banks within this State. |
| 2. To regulate the business of banks within this State. | 2. To regulate the business of banks within this State. |
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| 4. To regulate the business of banks within this State. | 4. To regulate the business of banks within this State. |
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| 9. To regulate the business of banks within this State. | 9. To regulate the business of banks within this State. |
| 10. To regulate the business of banks within this State. | 10. To regulate the business of banks within this State. |

ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, IN FEBRUARY, 1837.

§ 1. It shall not be lawful for any person, association of persons, or body corporate, not having a charter for the purpose from this State, nor the agent of such person, association of persons, or body corporate as aforesaid, to keep any banking-house, room, agency, shop or office, office of discount and deposit, or of discount only, or of deposit only, or any agency, room, house, or office, for the purpose of carrying on any kind of banking, or operations which banks incorporated by this State, or may be authorized by law to carry on, or is the agent of any foreign banking company, to deal in any manner in the buying or selling of bills of exchange, checks or drafts, or by or through the means of agents, agencies, banking-house, room, shop or office, office of discount and deposit, or of discount only, or of deposit only, to issue, emit, circulate, lend, pass or pay, or tender in payment any bills of said incorporated or unincorporated foreign banks or banking companies by whatever name they may be called: *Provided*, That this section shall not be so construed as to repeal the general law of the land in relation to bills of

exchange and promissory notes: *And provided, also*, That this section shall not be so construed as to inflict a penalty on any person who may pass or offer to pass any bank bill on any foreign bank.

§ 2. If any person or persons, association of persons, or body corporate, or agent of any foreign bank, or the agent or person acting as the agent of such person or persons, association or body corporate, or foreign banking company, shall violate the foregoing provisions, every such person or persons, or the agent of such person or persons, association, or body corporate, or foreign banking company, shall forfeit and pay the sum of one thousand dollars, to the use of the State, to be recovered by indictment, or said penalty may be recovered by action of debt in any court having jurisdiction thereof, in the county where the offence happened, one half to the use of the informer, and the other half to the use of the State. And it shall also be the duty of every judge, sheriff, justice of the peace, mayor, constable, or any other public officer of this State, to give information to the grand jury when they know or have satisfactory information of any violation of the foregoing provisions of this act: and for a failure, shall, upon conviction, be adjudged guilty of a misdemeanor in office, and dealt with accordingly: *Provided*, this act shall not apply to persons dealing on their own responsibility, and who are not connected in any manner with any foreign bank or banking company.

§ 3. Every day during which, or during any part of which, such prohibited banking-house, room, shop, agency or office, is kept open, or such prohibited business, or any of it transacted therein, shall constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty of one thousand dollars as aforesaid.

§ 4. No bond, bill or note, or other instrument of writing, executed after the taking effect of this act, securing the payment of any money loaned or advanced, by any foreign banking company, situated or located, or while doing business within this State, or executed to any agent or person holding himself out as agent of any foreign banking company as aforesaid, whether such bill or note, be made payable to said foreign bank, or the agent of said foreign bank, for the use and benefit of said bank, or to said agent or any other person, either directly or indirectly, for the use and benefit of said bank, in whatever name or form, the same may be drawn, shall be taken and held as utterly void and of no effect; and the person or persons, or agents or them, jointly or severally, or their legal representatives, may, under the plea of the general issue, give in evidence for whose use or benefit said bond, bill or note was given, and whether the same was given for money loaned or advanced, or for checks, drafts, or bills sold and delivered by said foreign bank, or by the agent, or person holding himself out as such agent, or by any other person, for the use and benefit of said foreign banking company, and also under said issue, the parties aforesaid shall be allowed to prove the agency of said agent, or that the acts of any other person in the premises, was for the use and benefit of said bank, and if the issue be found for the person setting up such defence, judgment shall be entered up in his or their favor, which shall be a complete bar to the recovery of said bond, bill or note, or any part thereof.

§ 5. The parties on the trial of the issue aforesaid, shall be entitled to a discovery by the other party, in the same manner, and under the same rules and regulations, and with like effect, as is provided in the fourth article of an act, entitled "An act to regulate practice at law," approved, March 17th, 1835, in cases where either party is entitled, by said act, to a discovery from the other upon any issue joined.

§ 6. It shall not be lawful for any foreign bank or banking company, to

sent from without the limits of this State, to be deposited with, or in the hands of, any agent or other person within the limits of this State, any money, bank notes, or other evidences of money, for the purpose of dealing in bills of exchange or checks, drafts, or in any other manner doing banking business there-with; and if any person contravene the provisions of this section, they shall forfeit the amount so sent, or deposited, or lent, to the person receiving the same, or to any other person who will sue for the same in any court having jurisdiction to adjudicate on the amount so sued for. This act to take effect and be in force from and after its passage, with regard to all agencies, except the agency of the Commercial Bank of Cincinnati, and shall take effect on that agency from and after the first day of June next.

APPROVED, Feb. 6, 1837.

BOUNDARIES.

ACT to survey and mark out the northern boundary of the State.

| Section 1 | Section 2 |
|---|---|
| The Governor shall appoint commissioners, 1 | the Territory of Wisconsin. |
| Commissioners shall not regard constitutional 2 | The Governor may request an Engineer of |
| amendments passed at session eight, 3 | the United States. |
| Oath of commissioners, 4 | The Governor shall direct commissioners to |
| Oath shall be a private Secretary of State, 5 | and when |
| Engineers may be appointed, 6 | the Commissioner act with other commis- |
| Insurance to be in the Province, 7 | saries. |
| Chain-carriers, markers, and other necessary 8 | In the U. S. Territory of Wisconsin the |
| to be made, shall be in the Province, 9 | commissioners shall cause a preliminary survey |
| Survey, July, 10 | to be made, and shall be in the Province, 11 |
| The Governor shall direct the Engineer, 12 | the survey to be made, and shall be in the Province, 13 |
| The U. S. Engineer, 14 | the survey to be made, and shall be in the Province, 15 |
| And report shall be made, 16 | the survey to be made, and shall be in the Province, 17 |
| Power to administer, 18 | the survey to be made, and shall be in the Province, 19 |
| The Governor may request the appointment 20 | the survey to be made, and shall be in the Province, 21 |
| of commissioners, or of any of the U. S. and 22 | the survey to be made, and shall be in the Province, 23 |

SECTION 1. THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,

§ 1. The Governor, by and with the advice and consent of the Senate, shall nominate and appoint three commissioners to ascertain, survey, and establish the north boundary line of this State, and ascertain the point of the commencement and termination thereof, as the same is fixed and described by the Constitution of this State, and the act of Congress of the sixth day of March, 1820; and the act of Congress, approved the 7th of June, 1836; but said commissioners shall not take into their consideration or examination the provisions of the fifth section of the amendments of the Constitution, passed at the eighth session of the General Assembly.

§ 2. The commissioners appointed by this act, shall, before entering upon the duties of their office, take and subscribe an oath, faithfully to discharge the duties imposed on them by this act, which shall be certified to the Secretary of State. They shall have power to employ one competent, skillful engineer; and procure all the necessary instruments for the execution of the requirements of this act; also, to employ a suitable number of chain-carriers, markers, and other assistants and equipments necessary for the proper discharge of their duties.

§ 3. The commissioners shall have the control of the engineer and all other persons employed by them; they shall, by astronomical observations, ascertain the true latitude and longitude of the eastern point of termination of the north line of this State in the rapids of the river Des Moines, and

thence passing west with the same parallel of latitude, to the point where the same strikes the Missouri river; and shall ascertain by the same means, the true latitude and longitude of the same point last aforesaid; they shall, at the points of commencement and termination, ascertain by astronomical observation, or otherwise, the true position, bearing, distance, and location of any prominent or permanent objects in the vicinity of the points aforesaid, permanently mark the same, and all other information which may, in all respects, most contribute to the certain ascertainment of said points of commencement and termination. On the first solid ground on the margin of said river, and at proper intervals along said line, not to exceed five miles apart, they shall cause to be erected mounds of stone or earth, at least eight feet long and five feet wide at the base, and five feet high, to be placed lengthwise on said line, the line passing through the centre of the same; they shall also deposit in the centre thereof, a peck of charcoal.

§ 4. It shall be lawful for the commissioners to make all necessary examinations of the Des Moines river, so as to ascertain the true location of the rapids of said river.

§ 5. They shall cause a map and report to be made out of all the observations, measurements, surveys, and examinations made by them with a particular note of the position and location of all prominent objects and the marks thereon, at the point of commencement and termination, or along the line, and return the same to the Secretary of State.

§ 6. The commissioners shall have power to administer an oath to the engineers, chain-carriers, markers, flag-bearers, or other assistants; and it shall be the duty of such persons to take and subscribe an oath, faithfully to discharge their duties in making the said survey. Provided, That if the engineers to be provided by the United States, he shall not be required to take an oath.

§ 7. The Governor of this State shall be authorized to open a correspondence with the President of the United States, and with the Governor of the Territory of Wisconsin, and request the appointment of commissioners to

act in conjunction with the commissioners on the part of this State. And the Governor shall be authorized to request the services of an engineer from the Government of civil engineers of the United States, for the purpose aforesaid.

§ 8. Whenever it shall be known to the Governor of this State, that one or more of the government have appointed commissioners for the purposes aforesaid, he shall direct the commissioners on the part of this State, to meet and act in conjunction with the commissioners appointed by the other parties. The commissioners of this State shall be authorized to act in all things in conjunction with the other commissioners.

§ 9. If the United States and the Territory of Wisconsin shall fail or refuse to appoint commissioners for the space of six months after the passage of this act, the Governor shall notify the commissioners appointed by the act of that fact, and they shall immediately proceed to discharge their duties under this act.

§ 10. The Secretary of State shall lay before the next General Assembly, for its adoption or rejection, the report and proceedings of the commissioners aforesaid, or of any two of said commissioners.

§ 11. The commissioners under this act shall be allowed the sum of four dollars per day, for every day by them necessarily spent in the discharge of their duties. They shall keep an accurate account of all expenses incurred by them under this act, and when the same shall have been audited and allowed by the Auditor of Public Accounts, the same shall be paid out of the State Treasury.

administration of said estate; and it shall be the duty of the Clerk of the County Court of Monroe county to file the same in his office.

§ 2.—That, upon the filing the papers in the office of the Clerk of the County Court of Monroe county, the County Court of said county of Monroe shall have and exercise the same jurisdiction of the administration on said estate as if the mansion-house, or place of abode, of the said Wal-tour Robinson had been situated in Monroe county at the time of his death; and the executrix of said deceased shall, in all respects, be governed by the laws and statutes of this State relating to executors and administrators.

§ 3.—The executrix of said deceased shall give bond, to [be] approved by the County Court of Monroe county, and, after the approval of such bond, the securities on the present bond of the executrix of said deceased shall be released from all liabilities, as such, accruing thereafter; and the letters testamentary, granted by the County Court of Lawrence county, and shall, in all respects, remain valid, and have effect, as if the administration had remained in Lawrence county.

This act shall take effect from and after its passage.

Approved January 17, 1857.

BANKS.

AN ACT to regulate Bank- and Banking Institutions, and to create the offices of Bank Commissioners.

ARTICLE I.

OF BANKS AND BANKING.

- § 1. Every Bank incorporated to be governed by this act.
2. Corporate powers of Banks chartered by the State of Missouri.
3. Capital stock of each Bank.
4. Denomination of notes to be issued, and of notes to be received and paid out by Banks.
5. Quarterly statements; liabilities of directors; weekly statements by city Banks.
6. Branch Banks to furnish statements to Parent Bank quarterly; to be sworn to.
7. Books, papers, &c., subject to inspection of directors and of examiners; not also to the public.
8. When charter voidable; duty of the government.
9. Effect of accepting depositary act.
10. Powers of the Bank to sue and be sued.
11. Enforcement of contracts making time of payment void.
12. Banks to keep books, and to make returns.
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25. Persons attending for Bank stock shall pay five per cent. on.
26. Amount of stock that may be held by each Bank.
27. The Banks, once in five years, shall have auditors, proved and sealed by their respective owners.
28. Bank shall not take, as security, a transfer of its own stock; nor shall any officer or agent be proxy to vote stock; nor out person be a Director in two Banks at the same time, &c.
29. Every Parent Bank shall have a Board of not less than thirteen Directors, &c.
30. No Bank to employ more than five-eighths of its capital in exchange.
31. Each Branch Bank shall have a Board of nine Directors—one of whom shall be elected President.
32. Each Banking Company to pay the State, annually, one per cent. on amount of capital stock.
33. Rate of interest to be charged by Banks.
34. Power to declare semi-annual dividends.
35. Bank not to require a town or city indorsement, when security offered shall be deemed good.
36. Proprietors of one-fifth of capital stock of any Bank, may call meeting of stockholders.
37. Proprietors of notes to capital stock, and notes on hand, to be issued.
38. Governor to appoint Directors, in what cases.
39. How vacancies in Board of Directors shall be filled.
40. When Directors may call special meetings of stockholders.
41. When Directors of Banks shall be first chosen, and when elected thereafter.
42. No Bank to issue notes payable out of the State of Missouri.
43. No Bank to receive in payment of debts, or receive on deposit, any funds but gold or silver, or notes of specie-paying Banks of this State.
44. All drafts, notes, bills of exchange, &c., made payable in gold or silver, or notes of specie-paying Banks.
45. Restrictions on stockholders.
46. No bank or discount shall be made, or be issued, except at Banking-house or Branches.
47. No Bank shall employ its moneys in trade or commerce.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—Every Bank which now is, or shall hereafter be, incorporated under the authority of this State, shall be subject to the liabilities and governed by the rules, contained in this act.

§ 2.—The Banks chartered by the State of Missouri, under their name and style, as named in their respective charters, and the owners of the capital stock of each, shall be, and are hereby, made able and capable in law, and in equity, to sue and be sued, plead and be pleaded, answer and be answered unto, defend and be defended, in all courts of record, or in any other place whatever, and to make and use a common seal, and the same to break, alter and renew at their pleasure, and to make and establish such by-laws as may be necessary and convenient for the government and management of said Banks; not being contrary to the constitution and laws of the United States, or of this State, and generally to do and execute such things and acts, as corporations or bodies politic, in law, may or can, lawfully do and execute.

§ 3.—No banking company shall be incorporated with less than one million dollars of capital stock, to be divided into shares of one hundred dollars each.

§ 4.—All Banks established in pursuance of this act, may issue bills and notes of the denomination of five, ten, twenty, fifty, one hundred, five hundred, and one thousand dollars, and none other; and no Bank or its branches shall receive, pay out, or in any manner deal in any bank notes issued by any Bank located out of this State, or established by the laws of any other State or Territory, but may receive and pay out the notes of any Bank or branches thereof, established by the authority of this State; but no Bank shall pay out the bills or notes of any other Bank or Branch Bank, excepting such as it will receive at par in payment of debts due the Bank.

§ 5.—Every Bank shall, during the time of its existence as a corporation, publish quarterly, in at least two newspapers, printed in the town or city in which it is located, and in one newspaper, printed in the county in which it has a branch located, a full, complete, and accurate statement of its affairs, property, assets, and business, which shall show—

- First*, The amount of its capital stock actually paid in.
- Second*, The amount of real estate held by the Bank and branches.
- Third*, The amount of gold and silver coin and bullion on hand.
- Fourth*, The amount of notes of other Banks.
- Fifth*, The amount due from all other sources.
- Sixth*, The amount of undivided profits, and the amount of State bonds on hand.

- Seventh*, The amount of its notes and bills in circulation.
- Eighth*, The amount due by the Bank to all other Banks.
- Ninth*, The amount due to depositors.
- Tenth*, The total amount of debts and liabilities of every description.
- Eleventh*, The amount on hand of bills discounted, exchange maturing, and the amount of suspended debts.

Twelfth, The aggregate amount of liabilities of all Directors, as principals and indorsers. Every Bank located in the city of St. Louis shall publish, in at least one newspaper published in that city, a weekly statement of the coin on hand, bills maturing, and the amount of its circulation.

§ 6.—All Branch Banks, established in pursuance of this act, shall furnish to their respective Parent Banks, a full and complete statement of their condition, embracing all the foregoing particulars, by which the Parent Bank may be enabled to include, in its published quarterly statement, a full, complete and accurate account of the condition of all the branches, as required by the foregoing provisions; which several statements shall be certified and sworn to, as correct, by the Cashier or President of the respective Banks and branches.

§ 7.—The books, papers, correspondence and funds of every Bank shall be, at all times, subject to the inspection of the Directors, the Governor of the State, Bank Commissioner, Assistant Bank Commissioner, or any agent thereto appointed by law, or by said Bank Commissioner, or any one lawfully empowered to appoint such person or agent. And any person, so appointed or empowered by law, may, at all times, enter into any Bank or its branches, with or without previous notice, and immediately have access to all the books, papers, funds and effects of the Bank, so as to enable him to make a thorough examination of the true condition thereof; and such Bank and branches shall, at all times, be subject to examination and inspection, of any legislative committee appointed by either House, or both Houses of the General Assembly.

§ 8.—If, upon investigation of the condition or affairs of any Bank or branch Bank, it shall appear to the Governor, Commissioner or legislative committee, that the charter of such Bank has been violated, or that its affairs and business are in an unsound condition, or that the provisions of this act have been violated, or not carried into effect, according to their true intent and meaning, then it shall be the duty of the Governor of the State, upon information derived from his own examination, from the examination of any Commissioner, or any one legally appointed by said Commissioner, or the finding of any legislative committee, to sue out from the circuit court of the county where such Bank or branch Bank is located, a

writ of *seire facias*, which shall be served on the Cashier or President of such Bank, together with written specifications, stating in what manner this act, and the charter of such Bank, has been violated, evaded or avoided, at least ten days before the return day thereof. Upon the return of such *seire facias* the judge of such circuit court shall set a day for the trial of such cause, and such court shall proceed to inquire into the truth of such alleged violations, evasions or avoidance; trying all matters of fact by a jury, empaneled for that purpose; and if such violations be made to appear, said court shall pronounce the charter of such Bank annulled and forfeited; and, upon a certified transcript of such proceedings being delivered to the Governor, he shall, at once, place the said Bank, its affairs and business, in the hands of trustees, to be administered and wound up in the manner hereinafter provided, in case of suspension of specie payment.

§ 9.—No Bank or branch Bank shall, at any time, suspend or refuse the payment, in gold or silver coin, of any of its notes, bills, or obligations, nor of any money received upon deposit, demanded by the holder or depositor, at the place where the same is made payable; and, in case of such refusal, the holder of such note, bill, or obligation, or the person entitled to receive such money, shall, respectively, be entitled to receive interest from the time of such demand and refusal, at the rate of twenty per cent. per annum, until paid. And should any Bank or branch Bank, at any time, suspend specie payment, as aforesaid, for the period of ten days, the charter shall cease and determine, and its affairs and business shall be placed in the hands of trustees, as required by section eight of this act; and the said trustees shall first pay the bill-holders, and then, *pro rata*, the depositors, and other legal liabilities of such Bank; and, if there be a surplus of assets, after paying all liabilities, such surplus or excess to be paid, *pro rata*, to the stockholders; and said trustees shall have power and authority to manage and control the affairs of said Bank, as in their judgment, with the approval of the Bank Commissioner, will foster the interests of the creditors and stockholders, and work the least injury or distress to debtors, or prejudice to the community.

§ 10.—It shall be the duty of the Board of Directors to require the Cashier, Teller, and other officers of the Bank, to give bond, payable to the State of Missouri, conditioned for the faithful performance of their duties, in such sums as may be fixed by the by-laws of the Bank.

§ 11.—If any President, Cashier, officer, agent, or servant of any Bank, shall embezzle or appropriate any of the funds of said Bank to his own use, with intent to cheat or defraud said institution, or shall fail to make correct entries, or shall make false entries upon the books, with intent to defraud such Bank, or any party whatever, such officer, agent, or servant, shall be deemed guilty of felony, and shall be sentenced to confinement in the penitentiary for not less than two, nor more than twenty, years.

§ 12.—Books for subscription to the capital stock of any Bank chartered by the General Assembly of this State, shall be opened at some suitable place in the town where the proposed Bank is to be located; due notice of which shall be given in at least two newspapers, if located in the city of Saint Louis, and one newspaper published in the county in which the Bank is located, if out of the city of Saint Louis, for at least two weeks previous to the day of opening such subscription books, which books may be opened under the supervision of any two of the incorporators, and shall be kept open

during the usual business hours of each day, for not less than ten days, when the same may be closed, and an election held for Directors; after which election, the subscription books shall again be opened, under the supervision of any two of the Directors, and remain open for a period of six months, or until all the stock is taken; after which period of six months, the same shall be reopened and closed, from time to time, not less than one week in every three months, as the Directors may determine, and of every opening of the books, notice as aforesaid shall be given; *Provided*, That if, at the end of three years from the date of this act, the whole capital stock shall not be subscribed, then the unsubscribed portion of the capital stock of such Bank shall revert back and form part of the banking capital authorized by the constitution of this State, and the amount then actually subscribed and paid in shall be the capital of such Bank. It shall, nevertheless, be in the power of any subsequent General Assembly, assembled within six years after the date of this act, to declare the capital stock of such Bank insufficient in amount—unless the same amount to the sum of five hundred thousand dollars—to warrant its continuance as a banking corporation, and may direct and provide for the closing of its business, and the winding up of its affairs.

§ 13.—No Bank shall go into operation until at least one-tenth of its chartered capital stock shall have been paid, in gold and silver coin, and the same shall have been examined and counted by the Bank Commissioner, or some person or persons appointed by him; and they shall also examine the Directors, on oath—which they may administer—to ascertain that such money has been paid in by the stockholders, toward the payment of their respective shares, and for no other purpose, and that it is intended as a part of said capital, and may make all other investigations necessary to satisfy themselves of the true payment of said money, in good faith; and, upon satisfactory report to the Bank Commissioner, he shall authorize said Bank to commence business, by issuing to the President thereof a certificate to that effect; which certificate shall be published in one or more newspapers published in the county where such Bank is located; a copy of the report and certificate, so issued thereon, shall be recorded by such commissioner in the book of the registry of bank notes.

§ 14.—The President and Directors of each and every Bank incorporated in this State, under the provisions of this law, or by virtue of any law hereafter passed, shall, within twelve months from the time said Bank shall commence the business of banking, cause to be invested an amount of its issue equal to ten per cent. of its whole capital stock paid in; and also, ten per cent. on all stock subsequently paid in, within twelve months after it is paid in, in the discount or purchase of the bonds of the State of Missouri, or such as may have been issued by any railroad company in the State, and for which the State may be liable as indorser or security; *Provided*, That such bonds can be purchased at a price below par; which bonds, when purchased as aforesaid, shall be kept by the Bank, as other bills receivable, and shall not, at any time, be offered for sale by the Bank for a sum less than their par value, unless, in the opinion of the Board of Directors, the exigencies of the Bank shall require their sale and conversion; and, in that event, the fact shall be presented by the Board to the Bank Commissioner, and his consent to such sale and conversion obtained. The mother Bank shall make the purchase of said bonds for the branches; and

a willful failure, by any Bank, to comply with the provisions of this section, shall be deemed a violation of its charter; and a neglect or refusal to purchase at current rates, below par, shall be deemed a willful failure.

§ 15.—It shall be the duty of all Banks in the State to set aside at least two per cent. per annum of their respective net earnings, as a contingent fund; which contingent fund shall, by the Board, be invested in State bonds, such as mentioned in the preceding section, in case said bonds are below par; and said bonds shall be kept by the Banks, unless a sale be required to meet losses or other exigencies of the Banks, or unless the bonds reach a par value in the market.

§ 16.—If, at any time during the existence of any Bank, the State bonds held and owned by it, as in this act required, shall assume in the stock market a par value, and said Bank can dispose of them at a sum not less than par, then such Bank can make a statement of such fact to the Bank Commissioner, who shall give his written consent that said bonds may be sold; when the Bank, in its discretion, may convert the same.

§ 17.—Should the bonds held or owned by any Bank be sold at any time, as provided in this act, either to meet exigencies or losses, or because the bonds are at par, or for any other cause, it shall be the duty of such Bank, under the direction of the Bank Commissioner, so soon as the exigency requiring their conversion has passed, or the loss been repaired, or the cause been removed, to reinvest the amount required by this act, in said bonds; *Provided*, they can be procured at a sum below par. The design of this act being, that all Banks in this State shall invest the amount mentioned in State stocks, and shall, at all times, keep said amount on hand, except when the condition of the Bank, in the opinion of the Directors and the Bank Commissioner, requires their disposal.

§ 18.—Whenever books for subscription to the capital stock of any Bank, or branch Bank, shall be opened, and as often, from time to time, as such books shall be opened, whether an original or continued subscription, subscribers to said stock shall be entitled thereto as follows: All persons subscribing for five or less number of shares offered, shall be entitled to the number of shares subscribed by them, respectively, in full; *Provided*, there be a sufficient number of shares to fill each subscription; and if not, then preference shall be given in the order in which the subscribers' names were entered in the books of subscription; and after all persons who shall have subscribed for five shares of stock shall have received their amount of subscription, then all subscribers from five to ten shares shall be entitled to the number subscribed by them in full; *Provided*, there be a sufficient number of shares of stock remaining to supply them; and if not, then preference shall be given as above provided. And after all persons who have subscribed for ten shares of stock shall have received their amount of subscription, then all subscribers, from ten to twenty shares, shall be entitled to the number subscribed by them in full; *Provided*, there be a sufficient number of shares remaining, and if not, then preference shall be given to the subscribers in the order which their names are entered in the books of subscription; and after all persons who shall have subscribed for twenty shares of stock shall have received their full amount, then all subscribers from twenty to forty shares shall be entitled to the number of shares subscribed by them in full; *Provided*, there be a sufficient number of shares; and if not, then preference shall be given to the subscribers in the order in which their names are entered in the books of subscription;

and after all subscribers for forty shares shall have received their number in full, then all subscribers for from forty to one hundred shares shall be entitled to the number of shares subscribed by them in full; *Provided*, there be a sufficient number of shares remaining; and if not, then the excess of the number of shares, subscribed over the number of shares then remaining, shall be reduced by diminishing the number of shares subscribed in this order, to wit: by beginning with the subscriber to the highest number of shares, and reducing his number to that of the next highest; and if there will not then remain sufficient shares to fill all the subscriptions, by reducing still further the highest subscriptions to the next highest, until by scaling down, always from the remaining subscriptions, the number of shares subscribed for, as thus reduced, will be equal to the remaining stock; it being intended that all excess of subscriptions shall be taken from the largest subscriptions, in such manner that no subscription shall be reduced while one remains larger; and in case such scaling reaches the lowest subscriptions over forty shares, the stock remaining shall be divided equally amongst all the subscribers; and in like manner shall be disposed of, all subscriptions for from one hundred to two hundred shares, and for from two hundred to three hundred shares, and for from three hundred to four hundred shares, and for from four hundred to five hundred shares; and no person shall ever be permitted to subscribe for over one thousand shares of stock in any Bank; nor shall any person be permitted to subscribe for or to own over five hundred shares of the stock of any Bank within six months after the books of subscription for any stock therein shall have been first opened; and after such period of six months, any person may subscribe for additional stock to an amount not exceeding one thousand shares.

§ 19.—Every stockholder shall be entitled to vote, according to the number of shares he may hold in the following proportion, that is to say: for each and every share, not exceeding one hundred, one vote; for every two shares above one hundred and under two hundred and fifty, one vote; and for every three shares over two hundred and fifty, one vote. At every election, any stockholder of any Bank, who shall have held his stock for which he votes three calendar months previous to the day of election, shall be entitled to vote according to the above provision.

§ 20.—If, at any time, an election for Directors of any Bank should not be held on the day appointed, the corporation shall not be dissolved for that cause, but such election may be held on any other day, and the old Board shall hold over in full power, until the new Board are elected and qualified.

§ 21.—Every President, Cashier, or other officer of the Bank shall, before entering upon the duties of his office, take and subscribe an oath, that he will honestly, faithfully, and impartially discharge all his duties, as such officer, according to law, and that he will faithfully observe, and carry into effect, the provisions of this law and the charter of said Bank.

§ 22.—The Directors of a Bank shall receive no emolument, but they may allow the President a reasonable compensation for his services; they shall elect or appoint a Cashier, Teller, and other officers; may remove them at pleasure, fix their salaries and manage the affairs of the Bank to the best advantage; they shall keep regular and correct minutes of the proceedings of the Board of Directors. All the Directors shall be stockholders in the Bank, and citizens of the State of Missouri, and shall be

elected as directed in this act. The ayes and noes shall be entered on the minutes, when demanded by any Director.

§ 23.—Immediately after the first election of Directors for any Parent Bank, it shall be their duty to divide themselves into two classes, the first, numbering six of them, shall hold their offices for a period of one year, and until their successors are elected and qualified; and the remaining seven shall hold their offices for the period of two years, and until their successors are elected and qualified; and, at each annual election, only the places of the retiring Directors shall be filled, but all the Directors of the Branch Banks shall be elected annually.

§ 24.—All Banks and banking companies chartered under this act, or made subject to the provisions thereof, are hereby exempted from the provisions of the first article of an act concerning corporations, approved November 23, 1855.

§ 25.—Any person subscribing for bank stock shall pay ten per cent. thereof at the time of subscribing the same, to the person or persons in charge of the subscription books, and shall pay the remainder thereof in such installments as may be required by the Directors; *Provided*, That the whole amount thereof shall be paid within twelve months from the time of subscribing, and a failure to pay such installments when due, may, in the discretion of the Board, be declared to work a forfeiture of the stock, together with the amount already paid in on such stock.

§ 26.—Each Bank may hold such real estate as may be required for the convenience and accommodation of said Bank and Branches, and such as may be conveyed to the same, in payment of debts previously contracted in good faith, and without a view to the purchase thereof; and, also, such as may be purchased at sales upon judgments and decrees in favor of the Bank, when it shall be purchased in order to secure the debt. But the Bank shall, as soon as practicable, under the direction of the Board, dispose of all real estate held by it, which is not necessary to the transaction of its business.

§ 27.—The Banks shall, at least once in every five years, have all the weights used therein, to be compared, proved and sealed by the Bank Commissioner, or by some one specially deputed by him for that purpose.

§ 28.—No Bank shall take, as security, a transfer of its own stock for any loan or discount; no officer of any Bank shall, in any election, act as proxy to vote stock; no person shall be a Director in two Banks at the same time, and no copartners shall, at the same time, be Directors in the same Bank.

§ 29.—Every parent Bank shall have a Board of not less than thirteen Directors, one of whom shall be elected President by said Directors; any five of whom shall constitute a quorum to discount bills or notes and transact ordinary business of the Bank. In the absence of the President a president *pro tem*. may be appointed.

§ 30.—No Bank chartered under this act shall, at any time, employ more than five-eighths of its capital, actually paid in, in dealing in exchange.

§ 31.—Each and every branch Bank shall have a Board of nine Directors, four of whom shall be elected by the Directors of the parent Bank, and five by the stockholders, who shall have subscribed for the stock at the place of the location of the branch Bank, one of whom shall be elected by said Directors President of said branch Bank; and, in his

absence, they may appoint one of their own number President *pro tem*, Any three Directors shall constitute a quorum on regular discount days; on any other days five shall constitute a quorum to do business.

§ 32.—In consideration of the privileges granted by this act, to the Banks incorporated in this State, each banking company agrees to pay to the State annually, one per cent. on the amount of the capital stock paid in by the stockholders other than the State, which shall be in full of all bonus and taxes, to be paid to the State by the respective Banks; which amount, when received by the Treasurer, shall be by him immediately placed to the credit of the "State Interest Fund," and it shall form, permanently, a part of said fund.

§ 33.—No Bank shall, directly or indirectly, receive or demand, by way of interest or discount, more than six per cent. per annum on paper, not having over one hundred and twenty days to run until due, and seven per cent. on all paper having one hundred and twenty days, and not more than six months, to run until due; the interest to be computed according to the ordinary rules of banking institutions. And nothing in this act shall be construed so as to prevent any Bank from demanding and receiving a reasonable premium on exchange, in addition to interest, upon all notes, bills or obligations, payable beyond the limits of the county where the Bank is located.

§ 34.—The Banks shall have power to declare semi-annual dividends of the net profits thereof, but no such dividends shall be made so as to impair the capital stock.

§ 35.—No Banks shall require a city or town indorser, when the security offered on application for loans, shall be deemed good.

§ 36.—The proprietors of one-fifth part of the capital stock of any Bank may call a meeting of the stockholders, by giving notice of such meeting in the manner provided for notifying the annual meeting.

§ 37.—No Bank shall, for the first year after it commences the business of banking, issue notes for circulation, more than two dollars for one dollar of capital stock paid in, in gold and silver; and, after the first year, and within two years from the time it commences business, the amount may be increased to two dollars and a half for every dollar of capital thus paid in; and, after the said period of two years, the amount may be increased to three dollars for one of stock paid in, as above required, and no more; but the amount of gold and silver on hand shall not, at any time, be less than thirty-three and a third per cent. of the amount of notes of said Bank in circulation; and if, at any time, by an extra demand for specie, the proportion of gold and silver on hand should be less, the Bank shall curtail her discounts and exchange until the above proportion is re-established. And if not reestablished within ten days from its occurrence, it shall notify the Bank Commissioner of the fact, and he shall proceed to examine the condition of the Bank and branches, and shall take such action as he may deem proper; and a failure so to notify the Commissioner shall be deemed a violation of this act, and it shall be the especial duty of said Commissioner, in his examination of said Bank, to see that said proportion of issue is not exceeded, and if so exceeded, he shall notify the Bank to supply the deficit of coin in ten days, and if it be not supplied to the satisfaction of the Commissioner in the time mentioned, he shall cause a *scire facias* to be sent out as herein provided, and the same proceedings shall be had as mentioned in section eight, of this act.

§ 38.—Should the State subscribe for and own any stock, in any Bank, the Governor, by and with the advice and consent of the Senate, if in session, shall, from time to time, appoint a member of the Senate, in such proportion to the whole number as the stock paid by the State bears to the stock of said Bank, shall join to the whole amount of stock not so paid in.

§ 39.—All vacancies in the Board of Directors shall be filled by the remaining Directors, except the President, the part of the vacancy shall be supplied by the Governor. If the Senate be not in session, the Governor shall appoint Directors, subject to approval by the Senate, as soon as it shall meet.

§ 40.—The Directors may call special meetings of the stockholders as often as the interest of the Bank shall require it.

§ 41.—The Directors of every Bank shall by first calling a meeting, at any time the Bank may be ready to go into business, for the purpose of the commissioners opening the books and receiving subscriptions of stock, they call the first meeting of the stockholders; but all elections of Directors, after the first, shall be held on the first Monday in March, in each and every year. Said elections to be held where the Bank is established, at such time and place as the Directors may designate. Previous notice of such election shall be given, for at least three weeks, by advertisement in some newspaper printed in the town or city where such Bank is located. And the election for the Directors of the Branch Banks shall be held at the same time, unless the Directors shall, by by-law, fix some other time.

§ 42.—No Bank shall issue any notes for circulation that are not payable out of the State of Missouri, or at any place other than in said Bank or its branches.

§ 43.—No Bank shall take, in the payment of debts, or against a deposit, any funds but gold and silver, and the notes of specie-paying Banks of this State.

§ 44.—All drafts, notes, money-orders, bills of exchange, and checks drawn by individuals, companies, private firms, brokers, trading-houses, or Banks, on brokers, banks, or incorporated companies, payable in currency, are hereby made payable in silver and gold, or the notes of specie-paying Banks of the State of Missouri; and all such paper, drawn by any Bank, broker, or incorporated company, or any individual, company, private firm, or incorporated company, shall be payable in like manner.

§ 45.—No loan shall be made to any stockholder who is in arrears on installments due for stock; and no stockholder shall transfer his stock, so as to release himself from liability, until the whole thereof shall have been paid in.

§ 46.—No loan or discount shall be made by any Bank, or any bill be issued by the same, or by any person or persons, on its demand, at any place other than the banking-house of the Bank or its branches.

§ 47.—No Bank shall use or employ its money, or any part thereof, its goods, chattels, or effects, in trade or commerce, but any Bank may sell all kinds of property held by it, in pledge.

ARTICLE II.

OF THE ESTABLISHMENT OF BRANCH BANKS.

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| <p>§ 1. Every Parent Bank of a capital stock of one million, shall have not less than two Branches, each with a capital of not less than one hundred thousand dollars.</p> <p>2. Books for subscription to capital stock of Parent Bank shall be opened where Branch Banks are located.</p> | <p>3. How Branch Banks are to be organized.</p> <p>4. Net earnings of Branch Banks, how disposed of.</p> <p>5. Proceedings, where capital stock not taken previous to organization of Branch Bank.</p> |
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§ 1.—Every parent Bank, of a capital stock of one million dollars, shall have not less than two Branches, each with a capital of not less than one hundred thousand dollars, and the aggregate of the same, not to exceed two-fifths of the capital of the parent Bank; and every parent Bank with a capital stock of more than one million dollars, shall have not less than three branches, each with a capital of not less than one hundred thousand, nor in the aggregate, of more than two-fifths of the whole capital: and the said two-fifths shall be reserved by the parent Banks for subscription at the respective branches, for a period of three years after the parent Bank shall have gone into operation, and if the requisite subscription be not made at any branch to entitle said branch to commence operation in the time herein mentioned, then such reserved subscriptions may be taken at the parent Bank; *Provided*, That all capital of the Bank over and above three-fifths of the whole amount when paid in, shall be applied to the establishment of its branches. Said branches to be established as the parent Bank may direct; in case there be no branch subscriptions, and should all the stock be subscribed at the parent Bank, under the provisions of this section, then all the branches shall be established as herein provided.

§ 2.—Books for subscription to the capital stock of the parent Bank shall be opened at the place where Branch Banks are located, within six months after the parent Bank shall commence business, under the superintendence of two or more commissioners, appointed by the parent Bank for that purpose; and as soon as fifty thousand dollars, or more, are subscribed under the provisions of section twelve, of article first, of this act, the commissioners shall notify the subscribers and the parent Bank of the fact, and shall fix a day, not more than ten days distant, for the meeting of such subscribers, to elect five Directors for such Branch Bank, who shall not be allowed to vote for Directors of the parent Bank, in which election the ratio of voting shall be as prescribed in section nineteen, article first, of this act, and the parent Bank shall, within ten days of the election of such Directors, appoint four Directors for said Branch Bank, who shall, as soon as convenient thereafter, assemble, with the Directors elected as aforesaid, and elect one of the nine President of such Branch Bank; all of whom shall take the same oath as the Directors of the parent Bank; and, as soon as organized as a Board, they shall provide a banking-house or place of business, appoint a Cashier, and such other officers and servants as they shall deem necessary to carry on the business of such Branch Bank, fix their compensation, and also that of the President; but no Director shall be allowed any compensation.

§ 3.—As soon as the Board of Directors are organized, and a place of business provided, and the sum of twenty-five thousand dollars paid in, by the subscribers, the President shall notify the parent Bank of the fact, and such parent Bank shall, within ten days after the receipt of such notification, furnish to the branch Bank a like amount in coin, and shall, also, notify the Bank Commissioner that the said Branch is ready to commence business; whereupon the Commissioner shall examine, or cause to be examined, by an agent appointed by himself, the funds on hand in said Branch—the examination to be made as provided for parent Banks—and if said Commissioner be satisfied that the specie funds, derived from stock paid in, are on hand, he shall grant two certificates of the fact, one of which shall be published in some newspaper published in the town where the parent Bank is located, and the other in some newspaper printed in the town or county where the Branch is located, and a copy thereof shall be recorded in the office of the Bank Commissioners. And, thereupon, the Bank Commissioner shall issue to the parent Bank, the notes to which said Branch may be entitled, which said notes shall be immediately transmitted to the Branch.

§ 4.—The net earnings of the branch Banks shall form part of the general dividend fund of the parent Bank, and the per centum required by this act to be set aside as a contingent fund, and the bonus paid to the State, shall be estimated on the whole stock of the parent Bank and branches; and the contingent fund account shall be kept at the parent Bank, which shall, also, pay the bonus of one per cent. to the State, upon the entire capital stock; and all dividends shall be declared and paid at the parent Bank.

§ 5.—In the event that the amount of capital stock, authorized to be subscribed for at the place where a branch Bank is located, shall not all be taken previous to the organization and opening of said branch Bank, the President and Directors of said branch Bank shall re-open said books at the banking-house, and keep them open during banking hours, until the whole amount shall be subscribed; and whenever subscriptions to the capital stock to the amount of ten thousand dollars shall be made and paid in, then it shall be the duty of the President and Cashier to notify the parent Bank of such additional subscription; and the said parent Bank shall, within thirty days thereafter, transmit to such branch Bank a like additional amount in coin and notes for circulation, in the ratio to which such capital is entitled, and every additional paid up subscription of five thousand dollars shall entitle such branch Bank to an additional capital and notes for circulation from the parent Bank, until the whole capital of such branch Bank shall be made up.

ARTICLE III.

OF THE OFFICE OF BANK COMMISSIONERS, AND THEIR DUTIES.

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| <p>1. Office of Bank Commissioners created.</p> <p>2. Appointed for four years.</p> <p>3. Their salaries and bonds.</p> <p>4. Duty of Governor in case of willful neglect or malfeasance in office.</p> <p>5. Duty of Commissioner when notified that the stock of any Bank, or Branch, has been paid in, in gold or silver.</p> | <p>6. Commissioner shall authorize Bank to commence business, when satisfied that the stock has been legally paid in.</p> <p>7. Commissioner shall have notes printed in such quantity as required by law.</p> <p>8. Notes issued to be registered, and countersigned by Commissioner.</p> |
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- § 9. Commissioners shall have authority to issue new notes and deliver new ones to the public.
10. Commissioners shall keep his books on the following separate accounts of circulation of each Bank, number of each note, etc.
11. Commissioners shall, from time to time, examine the shares of each Bank in the State.
12. Commissioners shall be delivered upon oath to the Commissioner.
13. Commissioners and agents shall be made to Commissioner's orders.
14. Commissioners shall, on first days of February and August, make full report to the Governor.
15. All notes in circulation shall be made payable at branch for which they were issued.
16. Each Banking Company shall pay the Commissioner two cents for each note sent, signed and delivered.

§ 1.—There are hereby created in this State, the offices of Bank Commissioner and Assistant Bank Commissioner, which said assistant shall be subject, in his official action, to the control and direction of the Bank Commissioner, both of whom shall hold their offices for the period of four years, and until their successors are duly appointed and qualified.

§ 2.—Said officers shall, every four years, be appointed by the Governor, and their appointment confirmed by the Senate.

§ 3.—The annual salary of the Bank Commissioner shall be five thousand dollars; and that of the Assistant Bank Commissioner shall be two thousand five hundred dollars. The former shall execute and file, in the office of the Secretary of State, his bond in the penal sum of one hundred thousand dollars, with good and sufficient securities, to be approved and indorsed by the said Secretary; and the latter shall execute and file a similar bond in the penal sum of fifty thousand dollars; conditioned for the true, perfect, and faithful discharge of their respective duties; and shall make and subscribe an affidavit, before some officer authorized by law to administer oaths, that they will truly, honestly, and faithfully execute all duties enjoined on them by law, and properly demean themselves in office; which affidavits shall also be filed in the office of the Secretary of State; and the said Secretary shall record said bonds and affidavits in a book to be by him kept for that purpose. Said bonds may be sued on by any person or persons injured; and the Governor may, at any time, cause the Attorney-General to commence or prosecute suit or suits, in favor of the State against the officers, and in case it appear that the condition of said bonds or either of them has been violated, judgment may be rendered against the principal said securities. By the whole amount of the penalty, and for costs may be paid into the State Treasury, subject to the disposal of the Governor, and a certified copy of said bonds from the office of the Secretary shall be retained in all courts of law in this State.

§ 4.—In case of official neglect or malfeasance in office, by either of the officers, it shall be the duty of the Governor to cause the affidavits of the said officers to be impugned into by the grand jury of the State court having criminal jurisdiction in the county in which he may reside, and

17. Punishment of Commissioner for issuing, knowingly, a greater amount of notes than authorized by law.
18. Commissioners shall have general power to examine condition of Banks.
19. May make special reports to Governor.
20. In case of suspension of specie payments, Commissioner shall inform the Governor, etc.
21. This law may be modified or repealed by the Legislature.
22. Commissioner shall prepare abstracts of the business of the Banks, etc.
23. No Bank shall discount any note, or bill of exchange, to which either of Commissioners is a party.
24. Commissioners' office shall be kept in St. Louis.
25. Commissioners shall provide a safe and secure vault.
26. The Governor shall fill vacancies.

presentment for perjury may be made and prosecuted in the same manner as in other cases of willful and corrupt perjury.

§ 5.—It shall be the duty of the Bank Commissioner, or his assistant, when notified by any Bank or branch Bank, that a sufficient amount of capital stock has been paid in, in gold and silver, to authorize it to commence the business of banking, as provided by law, to proceed immediately to examine said funds, if the Bank be located in St. Louis, and if not situated in said city, to cause the same to be examined by some suitable and competent person, to be appointed by him, and the Commissioner or person so appointed, shall count the same, and may examine, on oath, the officers and agents of said Bank or branch, touching all matters in reference to said funds, and shall examine the books and all papers connected therewith. The result of any examination made by the person or persons so appointed, shall be immediately reported to such Commissioner, under oath; and any false statement in said report shall subject the party making it, on conviction, to imprisonment in the penitentiary for not less than one, nor more than ten years. And it is made the duty of the Commissioner to cause prosecutions to be had against any person making such false and fraudulent statement.

§ 6.—If said Bank Commissioner shall be satisfied that an amount of gold and silver—sufficient to entitle said Bank, under the law, to commence business—has been legally subscribed and paid in, in good faith, on such subscription, and that no one person or firm has subscribed and paid in more than the sum allowed by the charter at that time, he shall grant to said Bank a certificate of the fact, having recorded the same in the Bank register, to be kept by him; and the publication by the Bank, or branch, of said certificate in one newspaper printed in or nearest to the town in which it is located, shall authorize said Bank to commence the business of banking, and he shall, thereupon, immediately countersign, register, and deliver to said Bank the amount of notes to which it may, for the time, be entitled, by law, to issue; and, in the same manner, he shall afterwards permit to said Bank, the additional amount of notes which may be allowed to it at any future time, so soon as it shall become lawful so to do.

§ 7.—In order to furnish suitable notes for circulation, the Bank Commissioner is hereby authorized and required, at the expense of the Bank demanding the notes, to cause to be engraved or printed from plates, furnished by the Bank to which they are to be issued, such quantity of notes as may, from time to time, be necessary and authorized by law to be issued and circulated by said Bank. But no notes shall be engraved and kept on hand by him beyond what is necessary to be immediately delivered to said Bank. And all plates and dies, or other materials so furnished, shall be and remain under the custody and direction of the Bank Commissioner. All the necessary expense incident to securing the plates and material, and the stationery required for registering the same, and recording the statements and business of each Bank, shall be paid by the respective banking companies of the State, for the use of which they are a liability. For the notes shall be delivered by him to the Bank, and further authorized to receive and receive from every banking company, such rate per cent. as may be sufficient to defray its equitable proportion of the actual expenses incident to the execution of the law.

§ 8.—All notes issued by each Bank shall be numbered and registered in proper books, to be provided and kept in his office for that purpose.

pose, under his direction, by such person or persons as he may appoint; and said notes shall be countersigned by the Commissioner or Assistant Commissioner, and all notes or bank bills, so countersigned, shall have engraved the words, "countersigned and registered." The notes shall, also, show the date and numbers thereof. For all notes thus delivered to any Bank, a receipt therefor shall be given by the Bank, signed by the Cashier or President, to the Bank Commissioner, in a book to be kept by him for that purpose.

§ 9.—Whenever any mutilated or injured notes shall be returned, by any Bank, to the Commissioner, for the purpose of destroying the same, he shall burn the same to ashes in the presence of any agent thereto appointed by the Bank, and in the presence of the Assistant Commissioner; and two certificates of such burning shall be made by all the parties present, one of which shall be recorded in a book, to be kept by the Commissioner for that purpose, and the other shall be delivered to the Bank to which said notes belonged, which shall be recorded and filed by the Bank; and new notes, in lieu of those burned, shall be delivered by the Commissioner to the Bank.

§ 10.—The Commissioner shall, as far as practicable, after numbering and signing the notes as aforesaid, keep his books in such manner as to show the separate accounts of the circulation of each Bank and its branches, stating the number of each note, its denomination, the dates of its issue, by what Bank issued, and where payable.

§ 11.—The Bank Commissioners shall, from time to time, examine the books and affairs of each and every Bank in the State, and when it is impracticable to do so in person, they shall depute some competent and disinterested person to make such examination, and report to them, under oath; they shall, at least once in every six months, count the notes of the Banks on hand, and their specie, and compare the same, to ascertain if the latter is in proportion to the circulation issued, as allowed by law. Said examinations shall be made without previous notice to such Banks, and all the officers and employees of the Bank shall aid the Commissioner and Assistant in such examinations, if required.

§ 12.—A copy of the quarterly statements, required to be published by the Banks, shall be delivered by them to the Bank Commissioner, and he shall record, and keep in a separate book, the statements made to him by each Bank, which book shall be known as the quarterly statements of said Bank.

§ 13.—It shall be the duty of the Bank to furnish each Bank Commissioner, on the first days of January and July, of each year, a statement, under oath, to be called the semi-annual statement of the Bank, which statement shall show the specie on hand, bills receivable, bills payable, notes in circulation, notes delivered to the Bank for circulation, amount due depositors, and all debts due by, and to, the Bank; and, also, a list of the names of stockholders, specifying the number of shares held by each, and the amount paid in by each; which statement shall be kept and recorded in a separate book, known as the semi-annual statements of the Banks.

§ 14.—The Bank Commissioner and the Assistant shall, on the first days of February and of August, of each year, make a full report of their proceedings and the condition of the Banks to the Governor of the State, which reports shall be filed with the Secretary of State, and submitted to the General Assembly on their first meeting thereafter. In said reports

they shall state the aggregate amount of funds and amount of interest received by them for registering and countersigning notes, and from what Bank; and, also, the amount paid by each Bank for expenses, and for what purpose; and the same have been levied.

§ 15.—All notes intended for circulation, and for use in any branch of a parent Bank, shall be made payable to such branch, and be countersigned and registered, may be delivered to the parent Bank, and receipt taken from such Bank as herein provided; and no such notes shall be delivered by the Commissioner, as herein contemplated, until the Commissioner shall be fully satisfied that the gold and silver, settling in such circulation, has been paid in, as required in this act, and all notes, except those to be furnished to branch Banks as aforesaid, shall be payable at the parent Bank.

§ 16.—Before any Bank or banking-company shall be authorized to receive the notes countersigned and registered as aforesaid, to which it may be entitled upon its capital stock paid in, it shall pay, or cause to be paid, to the Commissioner, the sum of two cents for each note so delivered. And the Commissioner shall keep a just and correct account of the money received by him under the provisions of this section, and in case the amount received be sufficient, at the time of making the semi-annual report to the Governor, as required in section fourteen of this article, he shall retain for himself the sum of twenty-five hundred dollars, and cause to be paid to the Assistant Commissioner the sum of twelve hundred and fifty dollars, half the amount of their respective annual salaries, and shall pay the balance, if any, to the Treasurer of the State, taking his receipts thereon, one of which shall be delivered to the Auditor, and the other filed by him in the office of the Bank Commissioner. Should it appear, at any time, that the amount received be sufficient to pay the half-yearly salary of said officers, upon the reception of the report by the Governor, he shall notify the Auditor, who shall cause his warrant to be drawn in favor of one or both of said officers for the amount respectively due them, after deducting the amount already received, for registry and countersigning.

§ 17.—Should the Bank Commissioner, or his assistant, at any time, willfully and knowingly issue to any Bank, any greater amount of notes than may be authorized by law at the time, he shall be guilty of a felony, and sentenced to imprisonment in the penitentiary for a period of time not less than five, nor more than twenty, years.

§ 18.—The Commissioner and Assistant Commissioner, hereby provided for, shall have general power of examination into the condition and affairs of the Banks, and may, at any time, cause a *seire facias* to issue against any Bank or Branch Bank, by presenting to the circuit court, or court of common pleas, of the county in which it is located, a written statement of the facts upon which a forfeiture is claimed.

§ 19.—He or they may, at any time, make any special reports to the Governor of the State, in regard to the character and credit of any Bank, or the manner of conducting its affairs, and it shall be his duty, when he has reason to believe that any Bank is being illegally and improperly conducted, or that it has failed to comply with the provisions of the general banking law of the State, or the provisions of its charter, or any requirements of this act, to institute an immediate examination; and in case he finds such facts to exist, to present them, in writing, to one of

the courts named in the foregoing section, when a *scire facias* shall be issued and proceeded on as may be provided by law.

§ 20. — In case of suspension of specie payments by any Bank, the Commissioner shall proceed to inform the Governor forthwith, and institute such other proceedings as may be required by law. In case he shall detect false entries, made by any officer or agent of the Bank, or shall discover that any embezzlement has been committed, or any wrong done by any one or more persons connected with the Bank, he shall cause said parties to be prosecuted for such violations of law; he shall see that no Bank shall go into operation with a less amount of capital paid in than that required by law; that the required notice be given for taking stock in any Bank, and that the books shall be kept open as required by law; that no Bank exceeds the legal limit in the exchange business; and that all other provisions of the law are strictly complied with by the Banks.

§ 21. — This law may be modified, altered, or repealed, at any time, by the Legislature, so far as respects the existence of the offices herein created, or the duties of the officers.

§ 22. — The said Bank Commissioner shall, as soon as practicable, after the first days of August and February, in each year, and after he shall have received the returns from the several Banks of the State, require at that time to be made, cause to be prepared and printed, a true abstract from all of said returns, with each column of said abstract footed up; and for this purpose he may prepare blank abstracts, requiring any information sought by him, to be furnished to the different Banks, which shall be filled and re-sent to the Commissioner, certified as required. Of this complete abstract of all the Banks, he shall transmit two copies to the Cashier of each Bank in the State, and cause the same to be published in one newspaper printed in St. Louis.

§ 23. — No Bank shall discount any note, bill of exchange, or other paper to which the Bank Commissioner, or his assistant, is a party, either as principal, surety, indorser, or otherwise; nor shall either of them be a stockholder in any Bank in the State.

§ 24. — Said Commissioners shall have and keep their offices in the city of St. Louis, in this State.

§ 25. — It shall be the duty of said Commissioners to provide a safe and secure vault for the keeping of books, papers, notes, plates, dies, or other materials that may be entrusted to their care in the discharge of duties enjoined by this act.

§ 26. — In case of vacancy in either of said offices, by death, resignation, or otherwise, the Governor shall fill the same by appointment, until the meeting of the Legislature, when the appointment shall be submitted to the Senate for approval, and either of said officers may be removed, at any time, on the address of the General Assembly, under the provisions of the act regulating the removal of officers by address, approved November 17, 1855.

ARTICLE IV.

ESTABLISHING BANKS AND BRANCHES.

Chapter I.

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| 1. Exchange Bank of St. Louis established. | 3. Corporators fully vested with all the |
| 2. Vests rights, privileges, immunities, etc., and names corporators. | powers and authority conferred by said act. |

§ 1. — A banking company is hereby established, in the city of St. Louis, to be known by the name and style of *The Exchange Bank of St. Louis*; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1855. Said Bank shall establish two Branches, one at Glasgow, in the county of Howard, and one at Neosho, in the county of Newton.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners, to open books for subscription to the capital stock of said Banking Company, to-wit: Lewis V. Boy, Andrew Christy, Edward Cabot, Joseph S. Pease, Samuel B. Wiggins, M. L. Jackson, L. Dorsheimer, and Bartholomey Rice.

§ 3. — The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter II.

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| 1. The Bank of St. Louis established. | 3. Corporators fully vested with all the |
| 2. Vests rights, privileges, immunities, &c. | powers and authority conferred by said act. |

§ 1. — A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The Bank of St. Louis*; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1854. Said Bank shall establish two Branches, one at Kirksville, in the county of Adair, and one at Booneville, in the county of Cooper.

§ 2. — The said Banking Company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said Banking Company, to-wit: John J. Anderson, John G. Priest, James Harrison, Madison Miller, Joseph Widener,

Stephen Haskell, Taylor Blow, A. P. Ladew, Duncan Carter, and George Knapp.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter III.

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| § 1. The Merchants' Bank of St. Louis established. | § 3. Corporators fully vested with all the powers and authority conferred by said act. |
| 2. Vests rights, privileges, immunities, etc. | |

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The Merchants' Bank of St. Louis*; the capital stock of which shall be two millions of dollars, and said Bank shall continue until the last day of December, A. D. 1885. Said Bank shall establish three Branches, one at Brunswick, in the county of Chariton; one at Oseola, in the county of St. Clair; and one at Ste. Genevieve, in the county of Ste. Genevieve.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to wit: James E. Yeatman, Wm. G. Clark, John A. Brownlee, Thornton Grimsley, John S. McCune, D. A. January, B. M. Runyan, R. M. Parks, William T. Christy, Henry T. Blow, William M. Morrison, Joseph Charles, and Robert Campbell.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in like manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter IV.

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| § 1. The City Bank of St. Louis established. | § 3. Corporators vested with all powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The City Bank of St. Louis*; the capital stock of which shall be two millions of dollars; and said Bank shall continue until the last day of December, A. D. 1885. Said Bank shall establish four Branches, one at the city of Kansas, in the county of Jackson; one at Columbia, in the county of Boone; one at Hannibal, in the county of Marion, and one at the town of Gallatin, in

Davies county, which last branch shall have a capital stock of one hundred and fifty thousand dollars.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated; and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: Derrick A. January, Wm. M. Morrison, Henry L. Patterson, Charles D. Drake, and John Simonds.

§ 3.—The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in like manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter V.

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| § 1. Merchants' Bank established. | § 3. Corporators vested with all powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1.—A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The Mechanics' Bank*; the capital stock of which shall be one million five hundred thousand dollars; and said Bank shall continue until the last day of December, A. D. 1884. Said Bank shall establish three branches, one at Warsaw, in Benton county; one at Weston, in Platte county, and one at Fredericktown, in Madison county.

§ 2.—The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities and franchises, contained and included in the first, second, and third articles of this act; the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: Charles H. Peck, B. W. Alexander, Bernard Bryan, John C. Evans, F. M. Ludlow, D. K. Ferguson, John W. Thornburgh, S. C. Hunt, L. D. Baker, R. M. Parks, Oliver A. Hart, John Evill, William S. Cuddy, John M. Wimer, and George I. Barnett.

§ 3.—The said corporators, their successors and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VI.

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| § 1. The Southern Bank of St. Louis established. | § 3. Corporators vested with all powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1. — A banking company is hereby established in the city of St. Louis, to be known by the name and style of *The Southern Bank of St. Louis*; the capital stock of which shall be one million of dollars; and said Bank shall continue until the last day of December, A. D. 1883. Said Bank shall establish two branches, one at the city of St. Charles, in the county of St. Charles, and one at the city of Independence, in the county of Jackson.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act; and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: James S. Watson, James H. Britton, Abner Hood, Wm. J. McElhany, and Wm. T. Wood.

§ 3. — The said corporators, their successors and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VIII.

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| § 1. The Farmers' Bank of Missouri established. | § 3. Corporators vested with powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1. — A banking company is hereby established in the city of Lexington, to be known by the name and style of *The Farmers' Bank of Missouri*; the capital stock of which shall be one million of dollars, and said Bank shall continue until the last day of December, A. D. 1884. Said Bank shall establish two branches, one at Liberty, in the county of Clay, and one at Paris, in the county of Monroe.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the first, second, and third articles of this act, and the said articles of this act are hereby made specially applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said company, to-wit: Charles R. Morehead, James Fletcher, Robert Aull, Thos. B. Wallace, Samuel Wilson, William B. Waddell, Jas. M. Cogswell, Oliver Anderson, — McGrew, Clayton Vanhoy, Wm. H. Anderson, James McCowen, Andrew W. Forbes, John M. Lewis, George J. Wasson, Benj. J. Brown, Wm. Boyce, — Tutt, Edward M. Samuel, and S. H. Shrode.

§ 3. — The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid, in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter VIII.

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| § 1. The Western Bank of Missouri established. | § 2. Corporators vested with powers and authority conferred by said act. |
| 2. Vests rights, privileges, and immunities. | |

§ 1. — A banking company is hereby established in the city of St. Joseph, to be known by the name and style of *The Western Bank of Missouri*; the capital stock of which shall be one million of dollars, and said Bank shall continue until the last day of December, A. D. 1883. Said Bank shall establish two branches, one at Bloomington, in the county of Macon, and one at Fulton, in the county of Callaway.

§ 2. — The said banking company, by the name and style aforesaid, is hereby vested with all the rights, privileges, immunities, and franchises, contained and included in the provisions of the first, second, and third articles of this act, and the said articles of this act are hereby specially made applicable to the company hereby incorporated, and the following persons are hereby made corporators and commissioners to open books for subscription to the capital stock of said banking company, to-wit: William M. Carter, P. L. McLaughlin, Wm. Ridenbaugh, Reuben Middleton, John Corby, Thos. Tootle, F. M. Wright, A. M. Sexton, and Jos. C. Hull.

§ 3. — The said corporators, their successors, and future holders of the capital stock of said banking company, to be subscribed and paid in the manner prescribed by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

Chapter IX.

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| § 1. The Bank of Commerce established. | § 5. Duties of President and Directors of State Savings Institution. |
| 2. Stockholders to assemble and decide whether they will assent to this act. | 6. Further duties of President of State Savings Institution. |
| 3. Administrators, executors, and guardians, shall vote. | 7. Power of Corporators. |
| 4. Books for subscription to capital stock shall be kept open. | 8. Said Bank shall establish three Branches. |

§ 1. — The present stockholders of the State Savings' Institution, incorporated December 7, 1855, are hereby incorporated, under the name of *The Bank of Commerce*, located in the city of St. Louis, and in accordance with the provisions of this act, with a capital stock of one million five hundred thousand dollars. The amount of subscriptions now held by individuals or firms in said institution, shall not be subject to the restrictions contained in the eighteenth section of article first, of this act; but all subscriptions hereafter to be made, shall be subject to the said provisions, and received only as therein required.

§ 2. — The present stockholders of the said institution, or a majority in interest of them, shall meet, in person or by proxy, at their banking-house, in the city of St. Louis, on the first Monday in April, 1857, or as soon thereafter as convenient, not exceeding three months from the passage of this act, first giving notice, by publication, for at least two weeks, in two several newspapers in said city, which notice shall be signed by the

President and Cashier of said institution, or by any two of the stockholders of said institution; and, when assembled, they shall determine whether they will assent to this act; and, if a majority in interest shall approve and assent to this act, the President and Directors shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act; after which, the present stockholders of said State Savings' Institution, and all thereafter subscribing to the capital stock of said Bank of Commerce, are fully incorporated, as a body politic, under the name and title of *The Bank of Commerce*; and said corporation shall exist until the last day of December, 1885.

§ 3.—For the purpose of voting on the proposition of approval or rejection of this act, administrators, executors, and guardians or curators, shall have the right to vote the shares of the person or persons whom they represent.

§ 4.—Books for subscription to the capital stock of this Bank shall be opened, and kept open, by the Directors of said institution, under the same limitations and restrictions as required of the Directors of all Banks under the provisions of this act.

§ 5.—The President and Directors of said State Savings' Institution, are authorized and required, for the purposes of liquidation, to set apart, and at all times keep on hand, to the credit of said institution, an amount fully equal to the outstanding debts and liabilities of said institution; and all surplus received by them, over and above the sum herein mentioned, shall be immediately divided and passed to the credit of the stockholders of the new Bank of Commerce, to whom it may respectively belong, in payment of stock subscribed by them; and they shall have power to make further assessments on the stock of all stockholders, and require payment of the same, according to law, until the whole stock shall have been fully paid up.

§ 6.—In closing the affairs of the said State Savings' Institution, it shall be the duty of the President of said institution to make application to the circuit court of St. Louis county, asking that a time may be fixed, at the expiration of which all claims against the said institution, not presented for redemption or payment, shall be forever barred; and, upon such application, the court shall make an order prescribing the mode and manner of giving notice to creditors of such limitation, and fixing a time within which such claims may be presented; and, if not so presented, they shall be forever barred.

§ 7.—The said incorporators, their successors, and the future holders of the capital stock of said banking company, subscribed, and to be subscribed and paid, in the manner prescribed in this chapter of this article, and by the first, second, and third articles of this act, are hereby fully vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially, and particularly, enumerated and set forth.

§ 8.—Said Bank shall establish three branches—one at Canton, in the county of Lewis; one at Savannah, in the county of Andrew, and one at New Madrid, in the county of New Madrid.

Chapter X.

1. Stockholders of the Bank of the State of Missouri incorporated under this act.
2. Stockholders to meet and decide whether they will assent to this act.
3. Administrators, Executors and Guardians may vote shares they represent.
4. Directors to which the State may be entitled, to be appointed by the Governor.
5. Books for subscription to stock to be kept open under same restrictions, as other Banks.
6. Notes of said Bank to be received in payment to the State, and public moneys to be kept in said Bank.
7. Governor may withdraw the State money from Bank, when advised by Bank Commissioner.
8. The Governor may subscribe certain funds to the Bank.
9. Duty of the President and Directors in regard to the business of the old Bank.
10. The President shall make application to the Circuit Court in relation to the business of the old Bank.
11. Duty of the President and Directors of the Branch Banks.
12. The Bank shall establish seven Branches.
13. Branch at Lexington shall be withdrawn.
14. Branches may be established without the previous subscription of stock.
15. Mode of choosing President and Directors.
16. Duty of the Board of Directors of the Parent Bank, should the stockholders not assent to this charter.

§ 1.—The present stockholders of the Bank of the State of Missouri are hereby incorporated, under the provisions of this act, with the privilege of increasing their whole stock to a sum not exceeding three million five hundred thousand dollars. The sum of one million dollars shall be subscribed and owned by the State, and the remainder thereof may be subscribed and owned by individuals, companies and corporations. The amount to be subscribed by the State, and the amount of subscription now held by individuals, firms, or corporations, shall not be subject to the restrictions contained in the eighteenth section, of article first, of this act; but all subscriptions not included in the present Bank shall be subject to said provisions, and received only as therein required.

§ 2.—The present stockholders of the Bank of the State of Missouri, or a majority of them in interest, shall meet in person, or by proxy, at their banking house in the city of St. Louis, on the first Monday in April, 1857, or as soon thereafter as convenient, not exceeding three months from the passage of this act, first giving notice by publication, for at least two weeks, in two several newspapers in said city, which notice shall be signed by the President or Cashier, or by any two stockholders of said Bank, and when assembled, they shall determine whether they will assent to this act; and if a majority, in interest, of those present, shall approve and assent to this act, the President and Directors shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act, after which, the present stockholders, and all thereafter subscribing to the capital stock of the same, are fully incorporated, as a body corporate and politic, under the name and title of the "Bank of the State of Missouri," and said corporation, as such, shall exist until the last day of December, A. D. 1887.

§ 3.—For the purpose of voting on the proposition of approval or rejection of this act, administrators, executors, and guardians, or curators, shall have the right to vote the shares of the person or persons whom they represent.

§ 4.—The Directors to which the State may be entitled, under the law,

shall be appointed by the Governor, by and with the advice and consent of the Senate, and to be classed, as provided in this act, that is, one-half, as near as practicable, to be appointed each year; *Provided*, That the President and Directors of the present Bank of the State of Missouri, shall retain their offices, as such, in the new Bank hereby incorporated, until the expiration of the time for which they have been elected, and until their successors are duly elected and qualified.

§ 5.—Books for subscription to the capital stock of this Bank shall be opened and kept open by the Directors of this Bank, under the same limitations and restrictions as required of the Directors of all Banks, under the provisions of this act.

§ 6.—The bills or notes of said Bank shall be receivable in all payments due to the State. And the public moneys of the State, as well as those of any public corporation for public purposes, and in which the State may be a part owner, shall be kept on deposit in said Bank or its branches, whenever lying inactive, so long as the said Bank shall redeem its liabilities in gold and silver, on presentation. Said Bank shall, also, act as the fiscal agent of the State, when thereto required; shall negotiate all loans for the State, either in Europe or America, without any charge, except actual expenses incurred; it shall, when required, transfer the funds of the State from one part of the State to another, without charge, and from one portion of the United States to another, charging only the actual expense. Special deposits of the State in the said Bank, for a period of twelve months or longer, shall be entitled to draw interest at the rate of six per cent. per annum.

§ 7.—The Governor, at any time, upon the advice of the Bank Commissioner, that the State money or deposits in said Bank, or in any bank, are unsafe, may withdraw the same, and cause them to be deposited elsewhere, in some safe place of deposit.

§ 8.—In case this change of the charter of said Bank shall be assented to, as provided in section two of this act, the Governor shall immediately subscribe the amount herein required to be taken by the State, including which shall be the State School Fund, the Seminary Fund, and the Sinking Fund; and the remainder, if any, to be taken from other funds of the State now in the Bank of the State of Missouri; said funds to be kept by the Bank separately, and the same shall be held by the State for the use of said funds respectively; and by said act of assent, the stock now held in the present Bank, which is not owned by the State, shall be deemed to be transferred to the Bank hereby incorporated; and the former act of incorporation of said Bank shall be deemed thereby to be annulled and surrendered, except for the purpose of disposing of its property and gradually settling its affairs; but it shall entirely cease to transact the business of banking.

§ 9.—The President and Directors of the Bank hereby created, are authorized and required to take charge of the business of the old Bank, for the purposes of liquidation; and shall be required to set apart, and at all times keep on hand, to the credit of the old Bank, a sum fully equal to the outstanding debts and liabilities of said Bank. And all surplus received by them, over and above the sum herein mentioned, shall be immediately divided and passed to the credit of the stockholders of the new Bank, to whom it may respectively belong, in payment of stock subscribed by them, until the whole stock of each shall have been fully paid; *Pro-*

vided, nevertheless, that nothing in this act shall be so construed as to prevent the President and Directors from making assessments on the stock of all the stockholders, except the amount subscribed by the State, and requiring the payment of the same according to law; and all surplus collected, beyond what may be sufficient to meet liabilities of the old Bank, as above provided, and to pay the stock subscribed to the new Bank, as herein mentioned, shall be paid over to the parties, respectively, to whom it may belong.

§ 10.—In closing the affairs of the old Bank, it shall be the duty of the President of the Bank to make application to the circuit court of St. Louis county, asking that a time may be fixed, at the expiration of which all claims against the said Bank, not presented for redemption or payment, shall be forever barred; and, upon such application, the court shall make an order, prescribing the mode and manner of giving notice to creditors of such limitation, and fixing a time within which such claims may be presented; and if not so presented, they shall be forever barred.

§ 11.—The President and Directors of the several branch Banks of the Bank of the State of Missouri, as now existing, shall, immediately upon the approval of this act by the stockholders, as herein provided, and notice thereof furnished to them by the Board of the parent Bank, cease the business of banking, and proceed forthwith to wind up the affairs of such branches, in the same manner as provided for the parent Bank; and they shall notify the parent Bank of any surplus on hand, not necessary to meet outstanding liabilities, which surplus, in the discretion of the mother Board, may be ordered to be paid over to the parent Bank at St. Louis.

§ 12.—The Bank hereby created shall be required to locate and establish seven branches in the State, in accordance with the provisions of the general banking law, to-wit: one at Palmyra, in Marion county, and one at Fayette, in Howard county, each with a capital of not more than one hundred and twenty-five thousand dollars; one at Springfield, in Greene county, with a capital of not more than two hundred thousand dollars; one at Chillicothe, in Livingston county, with a capital of not more than one hundred and fifty thousand dollars, and one at Cape Girardeau, in Cape Girardeau county, with a capital of three hundred thousand dollars, one at the City of Jefferson, with a capital of not more than two hundred thousand dollars, and one at Louisiana, in Pike county, with a capital of three hundred thousand dollars. But the Parent Bank may increase the capital of either of said branches, to an amount exceeding that above named; *Provided*, That the stock in all the branches shall not be more than two-fifths of the whole capital stock of the Bank.

§ 13.—The existing branch at Lexington, in Lafayette county, shall be withdrawn by the mother Board, as soon as its affairs can be liquidated and its capital removed; but no branch shall be reestablished at that place, by the Parent Bank hereby created. And the President and Directors of the existing Branch Banks shall be governed, in all respects, by the general rules that may be adopted by the mother Board, for settling and liquidating the affairs of the Parent Bank.

§ 14.—The Parent Bank may, at any time, in its discretion, establish either, or all of said branches, without the previous subscription of stock, at the place of its location; but may withdraw the same, unless an amount of stock to be specified, shall, in the time required by the Board, be subscribed and paid in, by stockholders in the vicinity of the branch.

§ 15.—The President and Directors of the Branch Banks shall be chosen in the manner required by the general law, in cases where the capital furnished by the Parent Bank and the stockholders, at the Branch Bank, is equal; and when the greater amount is furnished by the Parent Bank, the number to be elected by the Parent Bank shall be in the same ratio increased, to a number not exceeding that allowed by the general law.

§ 16.—In case the stockholders should not assent to this charter as renewed, then it shall be the duty of the Board of Directors of the Parent Bank, to cause the affairs of the Lexington branch to be immediately settled and liquidated, as herein directed, and its capital transferred to Louisiana, in Pike county, where a branch shall be established and had, subject to all the provisions or the present charter of said Bank.

This act to take effect, and be in force, from and after its passage.

Approved March 2, 1857

BOATS AND VESSELS.

AN ACT to provide for the insurance of Boats and Vessels after seizure.

- § 1. Boats or vessels seized shall be insured; § 2. Premium to be allowed and taxed as duties of Sheriff or other officer in relation thereto. other costs; compensation of officer.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—When a boat or vessel shall be seized under the provisions of an act entitled, "An act concerning boats and vessels," approved November 29, 1855, the Sheriff or other officer having custody thereof, shall insure said boat or vessel against any loss or damage by fire, ice, unavoidable accidents, or the dangers of the river, for a sum equal to three-fourths of the value of the boat or vessel seized; the said insurance shall be effected as soon as practicable after the seizure, and shall continue until released from custody according to the fourteenth and nineteenth sections of said act, or if not so released until sold under the provisions of the sixteenth section thereof, the insurance shall be effected in the name of, and made payable to, the Sheriff or officer in charge of the boat or vessel; and in case of loss, the said officer shall retain the money arising from said insurance, subject to the order of the court under whose authority the said vessel was seized or ordered to be sold, and the said court shall order the distribution of said money according to the provisions of the twentieth and twenty-first sections of the act aforesaid.

§ 2.—The premium paid by said officer for said insurance, shall be allowed and taxed as other costs in the case, and the court may allow the officer having charge of said boat or vessel, such compensation for his trouble in procuring the insurance as shall be reasonable and just.

This act to take effect from its passage.

Approved February 17, 1857.

BIBLES.

AN ACT to procure Bibles for the use of the Senate and House of Representatives, and officers of State.

- § 1. State Librarian to furnish certain officers with a copy of the Holy Bible, (St. James' revision).

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—That the State Librarian is hereby authorized to purchase Bibles, one copy for the use of the Senate, one copy for the use of the House of Representatives, and one copy for each State officer, for the use of his office, and one copy for the State Library, to be paid for out of any money in the treasury not otherwise appropriated.

This act to take effect and be in force from and after its passage.

BURYING-GROUNDS.

AN ACT to protect Family Burying-Grounds or Cemeteries.

- § 1. Burying Grounds may be deeded to: § 3. What deemed a trespass. the county. § 4. Owners liable for costs of prosecution, etc.
2. County Court to superintend the same.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1.—Any person desirous of securing a Family Burying-Ground or Cemetery, on his or her lands, may convey to the County Court in which the land lies, any quantity of land, not exceeding one acre, in trust for the purposes above-mentioned; the deed for which to be recorded within sixty days after the conveyance; and such grounds, when so conveyed, shall be held in property as Burying-Grounds or Cemeteries, for the use and benefit of the owners, for the time being, of the tract or tracts of land from which said grounds were taken or conveyed.

§ 2.—When lands shall have been conveyed and recorded as provided in the preceding section, the respective County Courts shall have, and are hereby required, to exercise, a superintending control over the same; and for any trespass on such Burying-Grounds or Cemeteries, may cause the offender or offenders to be prosecuted and punished, as in other cases of trespass, and fined in any sum, not exceeding five hundred dollars.

§ 3.—The defacing or destruction of any tomb-stone or monument within such Burying-Grounds, or of the enclosure around such grounds, shall be held and deemed to be a trespass within the meaning of this act.

§ 4.—The cost of the prosecution under the provisions of this act and all other costs necessarily incurred in superintending and protecting such Burying-Grounds or Cemeteries, shall be a charge upon the owners, for the time being, of the tracts of land of which such grounds were formerly a part, and shall be collected as other costs in actions for trespass.

This act to take effect and be in force from and after its passage.

Approved January 22, 1857.

Adopted Apr 5 1865

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II. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried the presiding judge of the supreme court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators present.

ARTICLE VIII

BANKS AND CORPORATIONS

§ I. No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money, and the general assembly shall prohibit, by law, individuals and corporations, from issuing bills, checks, tickets, promissory notes or other paper to circulate as money.

II. No law shall be passed, reviving or reenacting any act heretofore passed, creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business, within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

III. The general assembly shall at its first session after this constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of congress, and shall also provide for the sale of the stock owned by this state in the Bank of the State of Missouri, upon such terms and conditions, as shall be, by law established.

IV. Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws, and special acts passed pursuant to this section may be altered, amended or repealed.

V. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof by a direct vote upon the question shall have decided in favor of such incorporation.

XXIV. No clerk of any court established by this constitution or by any law of this state shall apply to his own use, from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term after paying out of such fees and emoluments such amounts for deputies and assistants in his office, as the court may deem necessary and may allow; but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The general assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

Compensation of clerks of courts.

XXV. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

Justices of the peace.

XXVI. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

Style of writs, process and indictments.

ARTICLE VII.

IMPEACHMENTS.

SECTION I. The governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and all judges of the courts, shall be liable to impeachment, for any misdemeanor in office; but judgment in such case shall not extend farther than removal from office, and disqualification to hold any office of honor, trust or profit under this state.

What officers may be impeached.

II. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried the presiding judge of the supreme court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators present.

Impeachments, how tried.

ARTICLE VIII.

BANKS AND CORPORATIONS.

SECTION I. No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money, and the general assembly shall prohibit, by law, individuals and corporations, from issuing bills, checks, tickets, promissory notes or other paper to circulate as money.

No bank to be established.

II. No law shall be passed, reviving or reenacting any act heretofore passed, creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business, within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

Charters of private corporations not to be revived.

III. The general assembly shall at its first session after this constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of congress, and shall also provide for the sale of the stock owned by this state in the Bank of the State of Missouri, upon such terms and conditions, as shall be, by law established.

Banks to be enabled to reorganize as national banks.

Simple.

AN ACT to amend an act entitled "an act to incorporate the City Mutual Fire Insurance Company of St. Louis," approved February 7th, 1861.

Be it enacted by the General Assembly of the State of Missouri :

§ 1. That hereafter one-fourth of the Board of Directors of the City Mutual Fire Insurance Company of St. Louis shall constitute a quorum for the transaction of any business of the Company.

§ 2. So much of the act to which this is amendatory as requires a majority of the Board to constitute a quorum is hereby repealed.

This act shall take effect and be in force from and after its passage.

Approved February 9, 1863.

AN ACT to amend an act, entitled "an act to incorporate the Covenant Mutual Life Insurance Company of St. Louis," approved February 21, 1863.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That the Board of Trustees of the Covenant Mutual Life Insurance Company of St. Louis may, in their discretion, organize and establish a capital stock for said Company, not to exceed the sum of one hundred thousand dollars. The said capital stock may be subscribed and paid under such conditions and regulations as the said Trustees may prescribe and when said capital stock shall be secured to the satisfaction of said Trustees, it shall be in lieu of the guarantee fund provided for by the thirteenth section of the act to which this act is amendatory.

This act shall take effect from its passage.

Approved March 17, 1863.

MUNICIPAL.

AN ACT to amend an act entitled "an act for the relief of the city of St. Louis," approved May 13th, 1861.

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| <p>§ 1. Section three amended; Comptroller and Treasurer appointed; Commissioners in place of whom; their duties and powers; authority of old Commissioners to cease when.</p> <p>2. Form of Commissioners to file written statement; what statement shall show; same to be sworn to; same to whom furnished; at same time certain other papers to be filed where; plates and other property to be transferred to whom; statement to be in file of cost of same; for payments made, what to be filed; warrants in hands of former Commissioners, to whom delivered.</p> | <p>§ 3. Former Commissioners failing to comply with section two, penalty; amount how recovered.</p> <p>4. Former Commissioners complying with this act, duty of Auditor and Treasurer; expenses of plates, printing, &c., when to be paid.</p> <p>5. Comptroller and Treasurer, when to issue warrants; their power in reference thereto declared.</p> <p>6. Warrants mutilated may be re-issued; further issue of warrants authorized; amount; subject to what action.</p> |
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Be it enacted by the General Assembly of the State of Missouri :

§ 1. Section three of the act entitled an act for the relief of the city of St. Louis aforesaid, approved May 13th, 1861, is hereby amended as follows: The City Comptroller and the City Treasurer are hereby appointed as Commissioners in lieu and in the place of James H. Lucas, Louis C. Garnier, and D. H. Armstrong, to do and perform all the acts and things authorized and required to be done and performed by said Commissioners in said act, and the said Lucas, Garnier and Armstrong shall cease to act as such Commissioners, and their authority to act as such, shall be terminated upon the passage of this act.

§ 2. Within thirty days after the passage of this act, the said Lucas, Garnier and Armstrong shall make out a written statement, each for himself of the amount of City Treasury Warrants provided, and signed and issued by each of them, and the time of the delivery of each issue, and the amount thereof to the Treasurer, which statement shall be sworn to by the person making the same, and shall be furnished to the Comptroller, who shall file the same in his office, the applications upon which such issues were made from the Mayor and Comptroller shall also be filed at the same time in said office, the plates and other property purchased by said Commissioners for the uses and purposes of said issues, shall also at the same time be transferred to the said Comptroller, together with a written statement, sworn to as aforesaid, of the cost and expenses of such plates and property, and of the printing and other work employed in said issues, and if the same have been paid for by the said Commissioners in whole or in part, the vouchers of such payment shall at the same time be furnished and filed with the Comptroller; City all Treasury Warrants in the possession of said Commissioners, or either of them, at the time of the passage of this act, shall be delivered over to the Comptroller, whether the same be signed or unsigned.

§ 3. A failure on the part of said Commissioners, James H. Lucas, Louis C. Garnier, and D. H. Armstrong to comply with each and every one of the requirements contained in the second section of this act, shall subject them, and each of them to a penalty as follows, to-wit: If such requirements are not fully complied with within the thirty days aforesaid, for each day after the expiration of such time, they and each of them shall be liable to pay to the City of St. Louis the sum of one thousand dollars, recoverable in any Court, having jurisdiction of the same.

§ 4. When said Commissioners have fully complied with the requirements of this act, the Auditor of the City of St. Louis shall audit and allow, and upon his requisition the Treasurer of said city shall pay to said Commissioners the amount of money paid by them for the plates, printing, and other property procured by them for the issuing of said Treasury Warrants, as also a reasonable compensation for clerk hire, if any, according to the provisions of the fifth section of the act to which this act is amendatory.

§ 5. The City Comptroller and City Treasurer of the City of St. Louis, are authorized and required, after thirty days from the passage of this act, to issue the amount of City Treasury Warrants which have not been issued by the said Commissioners, Lucas, Garnier and Armstrong on the day of the passage of this act, and all the powers and authority contained in the act to which this act is amendatory, are hereby conferred upon the City Comptroller.

troller and City Treasurer aforesaid, in reference to the issue of said Treasury Warrants.

§ 6. The issue of City Treasury Warrants anew in place of such of the issues as may be returned into the City Treasury, mutilated and worn, is hereby authorized, as also the issue of three hundred thousand dollars of similar warrants, subject to the action of the Common Council.

Approved March 23, 1863.

AN ACT to amend an act to incorporate the City of Ste. Genevieve, approved February 14th, 1849.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That all that territory of the City of Ste. Genevieve, which lies south of survey No. two hundred and thirteen (213), confirmed to John Bre. St. Gemme, Senior, and of survey No. twenty-one (21), confirmed to Joseph Ranger's legal representatives, be stricken and excluded from the corporate limits of said city, and that said city have no further jurisdiction over the same, but that the southern boundary lines of said surveys be hereafter known as a part of the southern boundary line of said city.

This act to take effect and be in force from and after its passage.

Approved February 18, 1863.

AN ACT to amend the charter of the city of Louisiana, Mo.

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| <p>§ 1. Charter amended so as to authorize city treasury warrants to be issued; in what amount; denomination determined, how.</p> <p>2. Warrants how issued and signed.</p> <p>3. Duty of City Clerk and Treasurer.</p> | <p>§ 4. Receivable for city dues; how redeemed.</p> <p>5. When warrants shall not issue; when this act shall cease.</p> <p>6. Said city released from penalties under act against illegal banking.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. The charter of said city is hereby amended so as to authorize the issue in the manner and under the restriction hereinafter contained, of an amount not exceeding fifteen thousand dollars of City Treasury Warrants; said warrants to be in such form and in such denominations, not exceeding two dollars, as may be determined by the City Council of said city.

2. Said warrants shall be issued under the direction of said City Council, and be signed by the Mayor and Treasurer thereof.

§ 3. It shall be the duty of the Clerk of the City Council of said city, upon the signing of said warrants by the Mayor thereof, to register the same, and upon the delivery thereof to the Treasurer of said city for his signature, to charge him with the amount of said warrants, and the Treasurer of said city shall keep a faithful account of all warrants signed by him—their number and denominations.

§ 4. Said warrants when so issued, shall be received in payment of all dues due the said city, and be redeemable at all times in the current funds of the United States or this State.

§ 5. This act shall not be so construed as to authorize the said city to issue warrants after the first day of February, A. D. 1865, but at that date, the authority hereby given to said city, shall cease.

§ 6. The said city is hereby released from any penalties she may have incurred under section 2 and section 9, of an act entitled "an act to prevent illegal banking, and the circulation of depreciated paper currency within this State," approved December 8th, 1855.

§ 7. This act to take effect and be in force from and after its passage. Approved February 18, 1863.

AN ACT to amend an act entitled "an act to incorporate the city of St. Charles," approved March 10th, 1849.

Be it enacted by the General Assembly of the State of Missouri, as follows :

§ 1. That hereafter at the annual elections for Mayor and Councilmen of the city of St. Charles, there shall also be elected a City Register, City Marshal and City Treasurer, to hold their respective offices for one year, and their successors are duly elected or appointed and qualified.

§ 2. That so much of sections four, five and seven, of article eight of the above recited act of incorporation as relates to the appointment of City Register, City Marshal and City Treasurer, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved March 4, 1863.

AN ACT in relation to the assessment and collection of taxes in the city of St. Louis, levied for the purposes of the government thereof.

ern Bank, the Union Bank, the Bank of St. Louis, the Exchange Bank, Farmers' Bank, and the Western Bank, shall be receivable in all payments due to the State, so long as the said Banks shall redeem their liabilities gold and silver on presentation.

§ 15. Should the affairs of any Bank be at any time placed in hands of trustees, as contemplated by section 9, they, the said trustees, shall give bond to the State of Missouri, each with good security, to be approved by the Bank Commissioner, in a sum equal to the capital stock of said Bank, conditioned for the faithful performance of their trust.

§ 16. Sections 14, 15, 16, and 17 of article 1 of the general banking law, are hereby repealed.

§ 17. No Director or other officer of any Parent Bank shall be permitted to subscribe for stock, at any Branch of the same Bank, while there remains unsubscribed any portion of the authorized capital stock of such Parent Bank; and if any Director or other officer of a Parent Bank shall hereafter become a stockholder in any of its Branches, the stock so held by him shall not entitle such Director or other officer of any Parent Bank to vote in any election for officers of said Branch Bank. If the Board of Directors of any Bank or Branch Bank shall fail or refuse to order an election for Directors, as provided by the 41st section of article 1 of the Bank act, then it shall be lawful for any ten stockholders of said Bank or Branch Bank to call a meeting of the stockholders, by publication, as provided by section 41; and the election of Directors, held under said call, shall be valid as if held under an order of the Board of Directors.

§ 18. The aggregate liabilities, as well as the individual liability, of each of the Directors, or any firm or company of which said Director may be a partner, of any Parent Bank to any of its Branches, either as payers, endorsers, or drawers, shall be included in the quarterly statement required by law to be published, both of the Parent Bank and of the Branch in which such liabilities may exist; and the amount of such liabilities to a Branch or Branches, together with the like liabilities to the Parent Bank, shall never exceed in the aggregate the amount of liability limited to the Directors in such Parent Bank by the tenth section of an act for the relief of the Bank of the State of Missouri, and other Banks, approved November 5, 1857.

§ 19. That when any person owning stock in any Parent or Branch Bank in this State shall die, or be insane, or be a minor, the executor or administrator of such deceased person, or guardian or curator of the estate of such insane person or minor, shall have power to vote at all elections of Directors of such Banks, and to do and perform all other acts necessary and proper to guard the interests of such deceased or insane persons or minors, and they are hereby vested with power to appoint proxies to act for them at such elections, or in the transaction of any other business, in which their testate or such insane person or minor would have power, under existing laws, to act during their lives, sanity or majority; and all stockholders shall have like power to appoint proxies to vote for them at such elections; and the votes of such proxies shall be as valid as if said stockholders were present and acted in person.

§ 20. Whenever a vacancy shall occur in the Directory of any Branch Bank, the remaining Directors elected by the stockholders shall fill said vacancy, if the same occurred in such Branch of the Directory; and if said vacancy occur from among those chosen by the Parent Bank, the remaining Directors on the part of said Parent Bank shall fill the same.

Part 2 Act of Mar 18, 1861
§ 21. The Mechanics' Bank is hereby authorized to establish a Branch of said Bank at the town of Carthage, in Jasper county, and for that purpose may cause books for subscription to the capital stock of said Bank to be opened in said town, on or before the 1st day of October next, and said Branch to be organized in the manner now prescribed by law; and also they are authorized to establish a Branch at Shelbyville, in Shelby county, and for that purpose may cause books for subscription to the capital stock of such Branch to be opened at Shelbyville, in the same manner as for the Branch at Carthage.

§ 22. The Farmers' Bank of Lexington is hereby authorized to establish a Branch Bank at Newsho, in Newton county, under the regulations and provisions of the "act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," whenever fifty thousand dollars of stock are subscribed, and twenty-five thousand dollars in gold and silver paid in. If the capital stock of said Farmers' Bank be already fully taken, said Farmers' Bank shall have power to transfer to said Branch any amount of their capital they may desire, to establish said Branch, not exceeding the sum of one hundred thousand dollars.

§ 23. The present stockholders of the Bank of St. Louis, incorporated by act approved March 2, 1857, are hereby incorporated under the name of the Bank of Commerce, to be located and established in the city of Booneville, the capital stock of which shall be one million of dollars, and in accordance with the provisions of the "act to regulate Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857.

§ 24. The present stockholders of said Bank of St. Louis, or a majority in interest of them, shall meet in person or by proxy, at their banking house in the city of St. Louis, on the first Monday in May, 1861, or as soon thereafter as convenient, not exceeding four months from the passage of this act, first giving notice by publication for at least two weeks, in two several newspapers in said city, which notice shall be signed by the President and Cashier of said Bank, or by any two of the stockholders of said Bank; and when assembled, they shall determine whether they will assent to all that portion of this act that relates to the establishment of the Bank of Commerce; and if a majority in interest of those present shall approve and assent to the same, the President and Cashier shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act; after which the present stockholders of said Bank of St. Louis, and all thereafter subscribing to the capital stock of the Bank of Commerce, are fully incorporated as a body politic, under the name and style of the Bank of Commerce; and the first election for Directors in said Bank shall be held in the city of Booneville, at their banking house, on the first Monday next succeeding the assent to this act, as provided in this section; and said corporation shall exist until the last day of December, A. D. 1864.

§ 25. For the purpose of voting on the proposition of approval or rejection of this act, administrators, guardians, executors, curators and trustees shall have the right to vote in person or by proxy the shares of the person or persons whom they represent.

§ 26. The President and Directors of said Bank of Commerce are authorized and required, for the purpose of liquidation, to set apart to the credit of the Bank of St. Louis, an amount equal to the outstanding debts and liabilities of said Bank and Branches, and give notice in some newspaper.

Laws of Missouri

1860-61

Dupl

AN ACT to appropriate money for the support of the Missouri Institution for the Education of the Blind.

- § 1. Appropriation for Institution of Blind, for the years 1861 and 1862. | § 2. Certain section of previous law suspended.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The sum of ten thousand dollars for the year one thousand eight hundred and sixty-one, and a like sum of ten thousand dollars for the year eighteen hundred and sixty-two, are hereby appropriated for the support and maintenance of the Missouri Institution for the Education of the Blind during the said years of 1861 and 1862; which sums thus appropriated shall be paid to the Treasurer of said Institution out of any money in the Treasury not otherwise appropriated, as follows: ten thousand dollars on or before the first day of May, 1861, and ten thousand on or before the first day of March, 1862.

§ 2. The third section of an act entitled "an act for the support of the Missouri Institution for the Education of the Blind," approved February 16, 1858, is hereby suspended for the said years, 1861 and 1862, and said Institution shall not be entitled to receive any part of the annual appropriations provided for in said section three, for the years aforesaid.

This act to take effect immediately.

Approved March 28, 1861.

ATTORNEY.

AN ACT amendatory of "an act concerning County Attorneys."

- § 1. Provisions in reference to duties of County Attorney in cases before Justices of the Peace. | § 4. Compensation of County Attorney.
2. Provisions in reference to duties of County Attorney in cases of habeas corpus. | 5. County Attorney to be notified of cases herein referred to.
3. Cases referred to in preceding sections not to be tried unless County Attorney shall be present. | 6. Penalty on officers for failing to carry out this act.
7. In a case of vacancy in office of attorney, an attorney may be appointed specially; his compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. It shall be the duty of the County Attorneys to attend to, and prosecute on behalf of the State, all cases before Justices of the Peace, where the State is made a party thereto; and the punishment of the offense for which the prisoner is charged, may be imprisonment in the county jail or State Penitentiary.

§ 2. In all cases where any person or persons are brought up on writs of habeas corpus, before a Judge of the County Court, it shall be the duty of such attorney to attend upon the hearing of such application, on behalf of the State.

§ 3. No Justice of the Peace or County Judge having jurisdiction, shall allow any such cases as are alluded to in the preceding sections, tried before him, without the County Attorney is present, or some one properly qualified to prosecute for him.

§ 4. The County Attorney shall be allowed as a compensation for his services, any amount not exceeding two hundred dollars per year, to be allowed by the County Court, and paid out of the common fund of the county.

§ 5. It shall be the duty of any Justice of the Peace, or County Judge, before trying such cases as are alluded to in sections one and two, to give due notice to the County Attorney.

§ 6. Any and all officers named in this act, who fail or refuse to comply with their respective duties therein named, may be fined any sum over five hundred dollars, and not exceeding five thousand dollars, and six months imprisonment in the county jail.

§ 7. If at any time there should be a vacancy in the office of County Attorney for any county, it shall be the duty of the Judge, or Justice of the Peace, before whom any cause, as hereinbefore provided for, shall be pending, to appoint some competent person to represent the State in such cause, and fix his compensation therefor, which shall be taxed as cost in such cause.

This act to take effect from and after its passage.

Approved March 28, 1861.

BANK.

AN ACT for the relief of the Bank of the State of Missouri, the Merchants' Bank, the Mechanics' Bank, the Exchange Bank, the Southern Bank, the Union Bank, the Bank of St. Louis, the Farmers' Bank of Missouri, and the Western Bank of Missouri.

- § 1. Penalties and forfeitures for suspension of specie payments by certain banks, suspended until May 1st, 1862, upon conditions herein set forth. | in cash, at the discretion of check holder; what the term "cash," as herein used, means.
2. Exempted from payment of interest on circulation by reason of suspension; banks allowed to receive, but not pay out, the notes of specie paying banks of other States, of the denomination of five dollars and upwards; penalty for putting in circulation the notes of banks of other States. | § 4. Penalty for violations of preceding sections; how penalty to be received; all acts conflicting with this section and the preceding repealed; duty of Bank Commissioner in reference to this matter.
3. Banks allowed to receive the notes of each other in payment of debts or on deposit during the period of suspension herein provided for; other chartered institutions allowed the same privilege during the period aforesaid; no parent bank to receive notes of branch at discount, at any time hereafter; all chartered monied institutions, and all money dealers, prohibited from keeping any account except in cash; deposits subject to be drawn | 5. Banks required, during period of suspension, to make renewals of loans upon certain specified conditions.
4. Person under protest not eligible to place of director; director in office, remaining under protest twenty days, vacates his office; said vacancy how filled. | 6. Provisions in original charters as to the time within which full payment for stock shall be made suspended until resumption of specie payments.
7. Commissioner required to cause notes issued after passage of this bill to be stamped.

- § 3. The fourth third section of the first article of said act is hereby so modified in its operation, until the resumption of specie payments, according to the first section of this act, as to permit all the Banks chartered under this act, and other chartered corporations that have not forfeited their charters, in this State, during the period aforesaid, to take in payment of debts, or receive on deposit, the notes of the Banks of this State: *Provided*, That no Parent Bank, either during the suspension of specie payment or afterwards, shall receive the notes of their Branches, at a discount, in payment for sight exchange; and after resumption, no Bank or Branch Bank, Savings Institution, Savings Association, Banker, Broker, Exchange Dealer,

or any person or persons, incorporation or association, doing a banking business, shall keep any account of deposits with any person in bank funds, or in currency, or otherwise than in cash; and all sums deposited with them, or any of them, in current deposit account, shall be subject to drawn by the depositor in cash. The term cash, as used in this section means gold and silver coin, or the notes of the specie-paying Banks of the State, as the holder of such check may elect.

§ 4. If any Bank, Branch Bank, Banker, Broker, Exchange Dealer, Savings Institution, or any other incorporation or association, or person persons doing a banking business, shall violate any of the provisions of the preceding section, they or any of them so offending shall forfeit and pay the State of Missouri, for each offense, a sum not less than five hundred more than five thousand dollars, to be recovered in the name of the State of Missouri, in any court having competent jurisdiction, which shall be paid into the Treasury of the State, and shall moreover forfeit and pay to the party injured by any such offense, treble the amount of damages which the party may sustain thereby, to be recovered by civil action, in any court competent jurisdiction; and all acts or parts of acts conflicting with this, the preceding sections are repealed; and it is hereby made the duty of the Bank Commissioner to institute action, as heretofore provided, in the name of the State, against any Bank, Branch Bank, Savings Institution, Saving Association, Banker, Broker, Exchange Dealer, or any person or person incorporation or association, doing a banking business, violating the provisions of said sections.

§ 5. During the period of the suspension of said Banks, the Board of Directors, in order to afford relief to debtors, shall renew and extend the time of payment of debts due them upon the payment by said debtors of ten per cent. of the original amount due by them at each renewal or extension when said debtors shall fully secure the ultimate payment thereof; and such renewal or extension shall be for the same length of time of the original loan.

§ 6. So much of the 25th section of the first article of said act as requires the payment of the whole amount of the stock subscribed to said Banks to be paid in twelve months from the time of subscribing, is hereby suspended in its operations until the resumption of specie payments.

§ 7. And the Bank Commissioner is hereby required to cause the note paid out after the passage of this act to be stamped in such manner as may direct, so as to distinguish them from the notes now outstanding.

§ 8. No person who shall be under protest, in any Bank of this State shall at any time, while so protested, be eligible to or hold a place of Director in any Bank chartered by this State; and if any Director shall, while holding such office, suffer his name to remain under protest for the space of twenty days, that act shall vacate his office, and a successor shall be appointed to fill his place, as now provided by law in cases of vacancy in the Board.

§ 9. So much of section 5 of article 1 of said act as requires that Banks, located in the city of St. Louis, to publish a weekly statement of coin on hand, bills maturing, and the amount of circulation outstanding, be and the same is hereby repealed.

§ 10. Section 28 of article 1 of said act is hereby so amended that any two members of any copartnership shall, at the same time, be Directors in any Bank or Banks in this State; nor shall any Money Broker or private

Banker, or Director in any private or independent Banking Association, or Savings Institution, be elected or serve as Director of any Bank.

§ 11. So much of section 33 of article 1 of said act as restricts said Banks to six and seven per cent. interest is hereby repealed; and said Banks are authorized to receive, by way of discount, any rate of interest not exceeding eight per cent. per annum, said interest to be computed according to the usual rules of banking, and eight per cent. per annum shall also be the rate of discount (including all exchange and re-exchange) on bills of exchange, other than sight exchange. No Bank shall be allowed to issue hereafter more than two dollars in its notes for one dollar of gold and silver paid in on its capital stock; and if any Bank has received from the Bank Commissioner more than that proportion for circulation, such Bank shall, within one year from the date of this act, return such excess of its notes to said Commissioner, registering in a book to be kept for that purpose the number, letter, date, and amount of each note thus returned; a copy of which list shall be furnished to said Commissioner with the notes returned. It shall be the duty of the Bank Commissioner to examine the notes returned, compare them with the list accompanying them, and, after being satisfied that there is no discrepancy therein, he shall give a receipt to the Bank sending said notes for the amount thereof, and then burn said notes, in the manner provided by law for the destruction of mutilated notes, preserving, however, the list sent as aforesaid, and recording the same in a book for that purpose.

§ 12. The one per cent. required to be paid by section 33 of article 1 of said act shall be received as full compensation for all taxes of every kind whatever; and it shall not be lawful for any county, city, or town corporation, to levy or collect any tax, of any kind, upon or from any of the Banks organized under said law.

§ 13. And after the resumption of specie payments, as hereinbefore provided, whenever a demand shall be made at the counter of any Bank, for the redemption of her notes, the same shall be considered as one demand, without regard to the denomination or number of the notes presented; and the same shall be promptly paid in gold and silver coin, without unnecessary delay.

§ 14. No Parent Bank shall send to any of its Branches any other notes to be issued and put into circulation by such Branch, except the notes prepared by the Bank Commissioner for the circulation of such Branch. That in order to provide the means for the redemption of the revenue bonds due 1st June, 1861, and for paying the interest due on the 1st July, 1861, the Governor of this State is hereby authorized and empowered to sell three thousand two hundred and fifty-three shares of the stock owned by the State in the Bank of the State of Missouri, and deposit the proceeds thereof in the State Treasury to the credit of the Fund Commissioners. The President and Directors of each and every Bank incorporated in this State shall, within three months from the date of the passage of this act, pay into the State Treasury, to the credit of the Fund Commissioners, their pro rata share of five hundred thousand dollars, to be apportioned according to the capital stock of said Banks paid in: *Provided*, That for the amount paid by each Bank, as aforesaid, the Governor is hereby authorized to issue revenue bonds payable in three and five years, bearing interest at the rate of nine per cent. per annum, with coupons attached; and for the payment of the principal and interest on said bonds, the revenues of the State are hereby pledged. The bills or notes of the Merchants' Bank, the Mechanics' Bank, the South-

ern Bank, the Union Bank, the Bank of St. Louis, the Exchange Bank, Farmers' Bank, and the Western Bank, shall be receivable in all payments due to the State, so long as the said Banks shall redeem their liabilities in gold and silver on presentation.

§ 15. Should the affairs of any Bank be at any time placed in the hands of trustees, as contemplated by section 9, they, the said trustees, shall give bond to the State of Missouri, each with good security, to be approved by the Bank Commissioner, in a sum equal to the capital stock of such Bank, conditioned for the faithful performance of their trust.

§ 16. Sections 14, 15, 16, and 17 of article 1 of the general banking law, are hereby repealed.

§ 17. No Director or other officer of any Parent Bank shall be permitted to subscribe for stock, at any Branch of the same Bank, while there remains unsubscribed any portion of the authorized capital stock of such Parent Bank; and if any Director or other officer of a Parent Bank shall hereafter become a stockholder in any of its Branches, the stock so held by him shall not entitle such Director or other officer of any Parent Bank to vote in any election for officers of said Branch Bank. If the Board of Directors of any Bank or Branch Bank shall fail or refuse to order an election for Directors, as provided by the 41st section of article 1 of the Bank act, then it shall be lawful for any ten stockholders of said Bank or Branch Bank to call a meeting of the stockholders, by publication, as provided by section 41; and the election of Directors, held under said call, shall be as valid as if held under an order of the Board of Directors.

§ 18. The aggregate liabilities, as well as the individual liability, of each of the Directors, or any firm or company of which said Director may be a partner, of any Parent Bank to any of its Branches, either as payers, endorsers, or drawers, shall be included in the quarterly statement required by law to be published, both of the Parent Bank and of the Branch in which such liabilities may exist; and the amount of such liabilities to a Branch or Branches, together with the like liabilities to the Parent Bank, shall never exceed in the aggregate the amount of liability limited to the Directors in such Parent Bank by the tenth section of an act for the relief of the Bank of the State of Missouri, and other Banks, approved November 5th 1857.

§ 19. That when any person owning stock in any Parent or Branch Bank in this State shall die, or be insane, or be a minor, the executor, administrator of such deceased person, or guardian or curator of the estate of such insane person or minor, shall have power to vote at all elections of Directors of such Banks, and to do and perform all other acts necessary and proper to guard the interests of such deceased or insane persons or minor, and they are hereby vested with power to appoint proxies to act for them in such elections, or in the transaction of any other business, in which their testate or such insane person or minor would have power, under existing laws, to act during their lives, sanity or majority; and all stockholders shall have like power to appoint proxies to vote for them at such elections; and the votes of such proxies shall be as valid as if said stockholders were present and acted in person.

§ 20. Whenever a vacancy shall occur in the Directory of any Branch Bank, the remaining Directors elected by the stockholders shall fill said vacancy, if the same occurred in such Branch of the Directory; and if said vacancy occur from among those chosen by the Parent Bank, the remaining Directors on the part of said Parent Bank shall fill the same.

§ 21. The Mechanics' Bank is hereby authorized to establish a Branch of said Bank at the town of Carthage, in Jasper county, and for that purpose may cause books for subscription to the capital stock of said Bank to be opened in said town, on or before the 1st day of October next, and said Branch to be organized in the manner now prescribed by law; and also they are authorized to establish a Branch at Shelbyville, in Shelby county, and for that purpose may cause books for subscription to the capital stock of such Branch to be opened at Shelbyville, in the same manner as for the Branch at Carthage.

§ 22. The Farmers' Bank of Lexington is hereby authorized to establish a Branch Bank at Neesho, in Newton county, under the regulations and provisions of the "act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," whenever fifty thousand dollars of stock are subscribed, and twenty-five thousand dollars in gold and silver paid in. If the capital stock of said Farmers' Bank be already fully taken, said Farmers' Bank shall have power to transfer to said Branch any amount of their capital they may desire, to establish said Branch, not exceeding the sum of one hundred thousand dollars.

§ 23. The present stockholders of the Bank of St. Louis, incorporated by act approved March 2, 1857, are hereby incorporated under the name of the Bank of Commerce, to be located and established in the city of Boonville, the capital stock of which shall be one million of dollars, and in accordance with the provisions of the "act to regulate Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857.

§ 24. The present stockholders of said Bank of St. Louis, or a majority in interest of them, shall meet in person or by proxy, at their banking house in the city of St. Louis, on the first Monday in May, 1861, or as soon thereafter as convenient, not exceeding four months from the passage of this act, first giving notice by publication for at least two weeks, in two several newspapers in said city, which notice shall be signed by the President and Cashier of said Bank, or by any two of the stockholders of said Bank; and when assembled, they shall determine whether they will assent to all that portion of this act that relates to the establishment of the Bank of Commerce; and if a majority in interest of those present shall approve and assent to the same, the President and Cashier shall certify such approval to the Secretary of State, and the Secretary shall file the same with the original roll of this act; after which the present stockholders of said Bank of St. Louis, and all thereafter subscribing to the capital stock of the Bank of Commerce, are fully incorporated as a body politic, under the name and style of the Bank of Commerce; and the first election for Directors in said Bank shall be held in the city of Boonville, at their banking house, on the first Monday next succeeding the assent to this act, as provided in this section; and said corporation shall exist until the last day of December, A. D. 1884.

§ 25. For the purpose of voting on the proposition of approval or rejection of this act, administrators, guardians, executors, curators and trustees shall have the right to vote in person or by proxy the shares of the person or persons whom they represent.

§ 26. The President and Directors of said Bank of Commerce are authorized and required, for the purpose of liquidation, to set apart to the credit of the Bank of St. Louis, an amount equal to the outstanding debts and liabilities of said Bank and Branches, and give notice in some newspa-

per published in the city of St. Louis, for sixty days, of such action of said officers; and if such debts and liabilities be not presented for payment in five years thereafter, they shall be forever barred.

§ 27. The said corporators, their successors and future holders of the capital stock of said banking company, subscribed and to be subscribed, as paid in the manner prescribed in this act, and by the first, second and third articles of the "act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," are hereby vested with all the powers and authority conferred by said act, as fully and amply as if herein again specially and particularly enumerated and set forth.

§ 28. The Bank hereby created shall be required to locate and establish three Branches, to-wit: one at Kirksville, in Adair county; one at Versailles in Morgan county, and the third at the city of St. Louis; and each of the said Branches shall have a capital of not less than one hundred thousand dollars; and any stockholder in the present Parent Bank of St. Louis shall be allowed to have his stock converted, at par, into stock of the Branch said Bank of Commerce, located at St. Louis, to the extent of the capital said Branch.

§ 29. The President and Directors of the Branch Banks shall be chosen in the manner required by the general law.

§ 30. To furnish change, the said Banks, until the full resumption of specie payments, as herein provided, shall promptly redeem their notes in coin, when not presented in a greater amount than five dollars, on any day, by the same individual.

§ 31. All notes intended for circulation at, and furnished to, any Branch of a Parent Bank, shall be made payable at such Branch, and when countersigned and registered, may be delivered to the principal Bank, an receipt taken from such Bank as herein provided; and said principal Bank shall immediately transmit to the Branch entitled thereto, all such notes furnished for the circulation of such Branch; but no such notes shall be delivered by the Commissioner, as herein contemplated, until the Commissioner shall be fully satisfied that the gold and silver, entitling it to such circulation, has been paid in, either at the Parent Bank or Branch, and the aggregate of both deposits of coin shall be taken as the basis of redemption of such circulation, as required in this act: and all notes, except those so furnished to Branch Banks as aforesaid, shall be payable at the Parent Bank. All circulation furnished Branch Banks shall hereafter be put in circulation by the Branch Banks, paying the same out at said Branch Bank in the regular business transactions of said Branches; and it shall be deemed to be a violation of the charter of any Bank for the Parent Bank to pay out, or otherwise use, any of the circulation furnished for a Branch, until after the same has been paid out by the Branch as above provided.

§ 32. The stockholders of any one of said Banks, or a majority thereof in interest, shall meet in person or by proxy, at the banking house of the Parent Bank, wherever situated, within one hundred days from the passage of this act, first giving notice by publication for at least two weeks in one newspaper published in any county in which the Parent or any Branch Bank is situated, which notice shall be signed by the President and Cashier of the Parent Bank, or by any two stockholders of said Bank; and when assembled said stockholders shall determine whether they will assent to this act; and if a majority in interest of those present shall approve and assent to this act the President of the Parent Bank shall, under the corporate seal of the Bank

certify such approval to the Secretary of State, who, after noting on the certificate the date of the filing, shall file the same with the original roll of this act, and thereupon this act shall take effect and be in force as a part of the charter of the Bank so accepting it; and if such Bank shall violate the provisions of this act, or not carry them into effect according to their true intent and meaning, the charter of said Bank shall be annulled and forfeited, and the Bank, its affairs and business, administered and wound up in like manner and to the like extent and effect, in all respects, as provided by the present charter of said Bank.

§ 33. After the 1st day of January, 1862, no Savings Institution, Savings Association, Banker, Broker, Exchange Dealer, or other person or persons, incorporations or institutions, doing a banking business in this State, shall be allowed to pay out, or put in circulation, either directly or indirectly, any bank note other than the notes issued by the Banks of this State; and should any such Savings Institution, Savings Association, Banker, Broker, Exchange Dealer, incorporation or institution, violate the provisions of this section, they shall forfeit and pay to the State of Missouri a sum not less than one thousand, nor more than five thousand dollars, to be recovered by action in any court having competent jurisdiction; and it is hereby made the duty of the Bank Commissioner, upon information, to prosecute said institutions, associations, incorporations, or persons, and to pay one half of all such sums as he may recover to the informant, and the remainder into the State Treasury. And section ten of "an act respecting Savings Institutions and other Corporations doing a Banking business," approved February 28, 1859, is hereby repealed.

This act to take effect and be in force from and after its passage.

Approved March 18, 1861.

AN ACT reducing the Capital of the Southern Bank of St. Louis, and for other purposes

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| § 1. Limitation of capital stock of Southern Bank. | § 3. The provision of law requiring the establishing a Branch of Southern Bank at Gallatin, repealed. |
| 2. As to capital stock of Branches of said Bank; subscriptions heretofore made legalized. | 4. Capital stock of Farmers' Bank increased; nothing therein to exempt said Banks from forfeiture of charters. |

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The capital stock of the Southern Bank of St. Louis is hereby reduced, and limited to the aggregate amount of stock now taken and subscribed; and said Bank is authorized and directed to close the books against further subscription of stock in the Parent Bank of St. Louis.

§ 2. The capital stock of the Branches of said Bank is hereby fixed permanently as follows, to-wit: The capital stock of the Branch located at Independence, at two hundred thousand dollars; the capital stock of the Branch located at St. Charles, at one hundred thousand dollars; and the capital stock of the Branch located at Savannah, at one hundred thousand

dollars; and all subscriptions heretofore made of stock in said Southern Bank of St. Louis and its said Branches, are hereby legalized and made valid and effectual.

§ 3. So much of an act entitled "an act to amend the charter of the Southern Bank of St. Louis," approved February 23, 1859, as authorizes and requires said Bank to establish a Branch Bank at Gallatin, in Daviess county, in this State, is hereby repealed.

§ 4. The capital stock of the Farmers' Bank is hereby increased one hundred thousand dollars. Nothing in this act shall be so construed as to exempt said Banks from any forfeiture of their charters.

This act to take effect and be in force from and after its passage.

Approved March 8, 1861.

AN ACT concerning the Union Bank of Missouri.

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| <p>§ 1. Capital stock of Richmond Branch Bank to be increased.</p> <p>2. Bank allowed to keep books for subscription open for three years.</p> | <p>§ 3. Acts inconsistent with this repealed, as regards this Bank.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The Directors of the Union Bank of Missouri shall have power to increase the capital stock of the Richmond Branch from the capital stock of the Parent Bank one hundred thousand dollars.

§ 2. Said Bank shall be allowed to keep open its books for subscription to the capital stock thereof for three years from the date it commenced business.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby declared inoperative as to said Bank.

This act to take effect and be in force from and after its passage.

Approved March 28, 1861.

BOATS AND VESSELS.

AN ACT to amend an act entitled "an act concerning Boats and Vessels," approved November 29, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The forty-second section of the act above referred to, which requires suits in St. Louis county to be brought within six months after the accruing of the demand against boats and vessels, is hereby so amended as to extend the time to twelve months for commencing suits under the provisions of said act by persons who may hereafter furnish any engine, boiler, machine, ap-

contingent expenses of the General Assembly, two thousand dollars; pay of General Assembly, thirty-six thousand dollars; to pay for frames of picture of Jackson and Clay, four hundred dollars.

This act to take effect from and after its passage.

Approved May 11, 1861.

AN ACT to authorize the Banks of the State of Missouri to issue small notes and for other purposes.

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| <p>§ 1. Banks may issue one, two and three dollar notes to the amount of one million five hundred thousand dollars in lieu of same amount of larger notes; Bank Commissioner to determine relative proportion of each Bank.</p> <p>2. When proportion of each Bank is determined, Bank Commissioner to notify President and Directors; Banks to accept provisions of this act in thirty days from said notice, and upon failure of any Bank to accept, the proportion of such Bank to be divided out to other Banks.</p> <p>3. The small notes authorized by this act may be issued in addition to the two dollars for one of paid up capital now authorized.</p> | <p>§ 4. Banks to retire one, two and three dollar notes in one year after resuming specie payments; after such resumption no small notes to be paid out, but when taken in to be delivered to Bank Commissioner and burned, other circulation to be furnished in lieu of retired small notes.</p> <p>5. Banks accepting provisions of this act not required to resume specie payment until January, 1863.</p> <p>6. Notes under five dollars to be signed by President and Cashier, but not by Bank Commissioner; affidavit of amount issued to be made by each Bank.</p> <p>7. All persons, corporations, Banks and bankers, may receive and pay such notes issued under this act; Banks not having accepted provisions of act approved March 18, 1861, shall not accept provisions of this act.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Banks in the State be and they are hereby authorized to issue their notes of the denominations of one, two and three dollars, to the amount of one million five hundred thousand dollars, in lieu of their notes of larger denominations, amounting to a like sum, which they are at present authorized by law to issue; the amount of such notes to be issued by each Bank to be determined by the Bank Commissioner in proportion to the amount of its capital stock paid in.

§ 2. The Bank Commissioner shall proceed at once to ascertain the proportion of the notes of the denominations mentioned in the preceding section each Bank will be entitled to issue under the provisions of this act, and to notify the President and Directors thereof without delay of the amount so ascertained; and if any Bank shall fail for thirty days after service of such notice to accept of the provisions of this act in writing, signed by the President and Cashier and filed with the Bank Commissioner, the Bank Commissioner shall apportion the amount which such Bank would have been entitled to issue among such Banks as shall accept the provisions of this act as herein prescribed.

§ 3. The small notes of the denominations of one, two and three dollars,

authorized by this act, may be issued in addition to the two dollars for one upon the capital stock paid in as authorized by the act for the relief of the Banks, approved March 18, 1861.

§ 4. Each Bank issuing notes of the denominations of one, two and three dollars, shall within one year after such Bank shall have resumed specie payment, retire said notes from circulation; and no such Bank shall, after having resumed specie payment, issue or pay out any of its own notes of either of said denominations, but shall deliver the same, when taken up by it, to the Bank Commissioner, who shall deliver to the Bank for circulation in lieu thereof a like amount in notes of such denomination as the Bank may require, not less than five dollars; and the notes so delivered to the Bank Commissioner shall be by him immediately burned to ashes, in the presence of any agent thereto appointed by the Bank.

§ 5. Any Bank which may issue notes of the denominations of one, two or three dollars, under the provisions of this act, shall not be required to resume specie payment as required by the act for the relief of the Banks, approved March 18, 1861, until the first day of January, 1863.

§ 6. That all notes authorized to be issued by the Banks of the State of Missouri, by the provisions of this act, of a denomination under five dollars, shall be signed by the President and Cashier of the Bank authorized to issue the same, and may be issued and put in circulation by said Bank without the signature of the Bank Commissioner or his assistant, but each Bank shall report under the affidavit of the Cashier the amount so issued.

§ 7. That all persons, corporations, Banks and bankers shall be authorized to receive and pay out the notes herein provided for, and that no Bank shall be authorized to accept the provisions of this act unless such Bank has previously accepted the act for the relief of the Banks, approved March 18, 1861.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT to authorize counties to loan money to the State.

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| <p>1. County Courts authorized to loan money to the State, not exceeding thirty thousand dollars each, for the purchase of arms and munitions of war; such arms to be distributed among volunteers in the counties loaning money; volunteers to be first mustered into service of State.</p> <p>2. County Courts may borrow money to loan to the State; interest not to exceed ten per cent; bonds to be issued by President and attested by seal of the Court.</p> | <p>§ 3. The several County Courts and St. Louis Board of County Commissioners authorized to purchase State bonds issued under the act to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri.</p> |
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RELIEF.

AN ACT for the relief of the City of St. Louis.

- § 1. City Treasury warrants may be issued to an amount not exceeding two hundred thousand dollars to pay current debts for work done.
2. Warrants to be in sums of one, two and three dollars, and receivable for taxes and licenses.
3. Commissioners appointed to provide and issue said warrants, which shall be signed by one of their number, designated for that purpose; warrants to be issued to Treasurer in payment only of audited accounts.
4. Commissioners to keep correct list of warrants issued, to charge Treasurer therewith, to register applications upon which the same were issued, and report to every regular meeting of City Council.
5. Commissioners may appoint a Clerk; compensation to be paid by city.
6. Warrants when redeemed to be returned to Commissioners, who shall destroy the same.
7. Banks, Bankers, Savings Institutions, &c., may receive and pay out said warrants.
8. After the second Monday of October, 1861, the City Council, after passing a general appropriation bill, shall not pass any ordinance appropriating money not actually in the Treasury unappropriated; members voting for Mayor approving ordinance violating this section, to be liable in personal estate to the city.
- § 9. No money appropriated to one purpose to be diverted to another, except by special ordinance changing such appropriation; any officer making such diversion liable in his personal estate for amount so diverted.
10. Accounts showing an expended balance to the credit of any special fund to be canceled by Commission.
11. No contract to be made for the expenditure of any greater sum than the appropriation made.
12. No ordinance to be passed for improvements in new city limits requiring a greater sum of money than actually in the Treasury to credit of new limit fund.
13. Twenty-fifth section of act approved March 14, relative to incorporation, amended by striking out "two-thirds" and inserting "majority."
14. City not liable to any delinquent taxpayer for destruction of property by mob.
15. Council not to improve any street or alley, without consent of majority of property owners thereon, or unless the same be declared a nuisance; this section not to apply where two or more blocks are owned by one person.

WHEREAS, The city of St. Louis is owing a large sum of money to contractors for city works, and also for other purposes, which, on account of the pecuniary pressure of the times, it is unable to pay at this moment. Therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The charter of the said city is hereby amended so as to authorize the issue, in the manner and under the restrictions hereinafter contained, an amount not exceeding two hundred thousand dollars of City Treasury warrants, to pay the current debts of the city to contractors and others who have accounts allowed against it, said warrants to be in such form as may be determined by the Commissioners hereinafter named.

§ 2. The said warrants shall be in denominations of one, two and three dollars, and shall be receivable for taxes and license payable to said city.

§ 3. James H. Lucas, Louis C. Garrier and D. H. Armstrong are hereby appointed Commissioners to provide and also to issue the said warrants, and which warrants shall be signed by one of them to be designated by themselves for that purpose, and the same shall only be issued by the Treasurer for the payment of such amounts as shall be duly audited and

certified by the proper officers of said city, and on the written affirmation of the Mayor and Comptroller thereof.

§ 4. The said Commissioners shall keep a correct list of all amounts issued by them to the Treasurer, and charge the same to him, and shall keep a register of all applications made to them by the said Mayor and Comptroller for the issue of the same; and it shall further be their duty to report at every regular session of the city council the amount so issued and the applications upon which they were issued from the Mayor and Comptroller as aforesaid.

§ 5. The said Commissioners are hereby authorized to appoint a Clerk, whose duty it shall be to keep a regular and perfect account of the issues provided as aforesaid, and to whom the said Commissioners shall allow a reasonable compensation, to be paid by the city.

§ 6. At stated periods, to be determined by the Commissioners, the said Treasurer shall pay over to the Commissioners all the city warrants so issued which may be in his possession, and take their receipt for the same; and the Commissioners shall at once, in the presence of the Mayor and Comptroller, proceed to destroy the same, first having taken a complete account of such warrants.

§ 7. The banks, savings institutions, associations and bankers, of this State, may, if they deem proper, receive and pay out all such city warrants without being subject to the penalties of any law of this State in regard to the circulation of notes under five dollars.

§ 8. From and after the second Monday of October, 1861, the common council of said city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money, unless the amount thereby appropriated be actually in the Treasury of the city and not required to meet appropriations already existing. Any number of said common council voting for any Mayor approving any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the Treasury of said city in pursuance of any such ordinance.

§ 9. No sum of money appropriated by ordinance to any particular use or ordinance shall, except in pursuance of change in the appropriation thereof by ordinance, be diverted from such fund, or object, or used for any other purpose; and any officer of said city making or authorizing any such diversion or use without such change of appropriation by ordinance, shall be liable in his personal estate for any amount so diverted or used for any purpose or object other than that for which the same was especially appropriated.

§ 10. The Comptroller of said city shall cause to be cancelled all special accounts on the bonds of the Auditor of said city, showing an expended balance to the credit of any special fund, when he shall be satisfied that such account balance has been authorized — used in the payment of indebtedness of said city.

§ 11. No officer of said city authorized to make contracts on behalf of said city, for work or materials, shall make any contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or material.

§ 12. The common council of said city shall not pass any ordinance for improvement of streets in the new limits of said city, or for other improvements in said new limits, to be paid for out of the new limit fund,

where the amount required for such improvement exceeds the amount actually in the Treasury of said city to the credit of said fund.

§ 13. The twenty-fifth section of the act amendatory of and supplementary to the several acts incorporating the city of St. Louis, approved March 14, 1859, is hereby amended by striking out therefrom the words "two-thirds" and inserting in lieu thereof "a majority."

§ 14. The said city shall not be liable to any action for the destruction of any property by a mob in favor of any person who, at the time of such destruction, is delinquent in payment of any taxes due the said city.

§ 15. The common council of the city of St. Louis shall have no power to pave, macadamize, curb, or gutter any street or alley at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: *Provided*, That the provisions of this section shall not apply to any street or alley where two or more blocks are owned by one person or one estate, but the provisions of the law now in force shall apply in all such cases.

This act to take effect from and after its passage.

Approved May 13, 1861.

AN ACT for the relief of the Sheriff of St. Louis county, and for other purposes.

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| <p>§ 1. County of St. Louis exempted from operation of act approved February 6, 1861, amending law of 1859, regulating executions.</p> <p>2. Sales and publications made by Sheriff in accordance with laws existing prior to act of February 6, 1861, to be valid.</p> | <p>§ 3. Purchases of property under Sheriff's sale, and collections under execution prior to act of February 6, 1861, declared legal.</p> <p>4. Sheriff to advertise sales made under execution twenty days, and put up handbills.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the county of St. Louis be and the same is hereby exempted from the operation of "an act to amend an act, entitled an act to regulate executions," approved December 1, 1855, which act so amending the act was approved February 6, 1861.

§ 2. That all publications made by the Sheriff of St. Louis county, in accordance with the law as it existed previously to said 6th February, 1861, and all sales made by said Sheriff of St. Louis county according to the statute so changed and amended by the act of 6th February, 1861, be and hereby declared legal and valid, any law to the contrary notwithstanding.

§ 3. That all purchases of property made bona fide under Sheriff's sale in St. Louis county, and all moneys collected and paid over under execution according to the law as existing previously to said act of the 6th February, 1861, are declared valid and legal to all intents and purposes.

§ 4. That said Sheriff of St. Louis county shall advertise all sales made by him under execution or other lawful process from the courts of said county, for twenty consecutive days previously to the day of such sale and publication; said Sheriff may also in addition put up handbills.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT for the relief of Robert Shacklett, Collector of Marion county.

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| <p>1. Auditor to receive additional personal delinquent list for 1858 and 1859, and give proper credit.</p> <p>2. Auditor to draw warrant for one hundred dollars in favor of Robert Shacklett, for reward paid by him for capture of escaped prisoner.</p> | <p>§ 3. Robert Shacklett to receive credit for costs paid by him in suit for recovery of taxes illegally collected.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the Auditor of Public Accounts be and he is hereby authorized and required to receive the additional personal delinquent list for the years 1858 and 1859, of Robert Shacklett, Collector of Marion county, and place the proper amounts to his credit on the books of his office.

§ 2. That the Auditor of Public Accounts be authorized and required to allow to said Robert Shacklett a credit of one hundred dollars, being the amount paid by him for a reward offered for the escape of one Michael Cassidy from the jail of Marion county, and who was arrested and is now confined in said jail, under an indictment for burglary and larceny.

§ 3. That the Auditor of Public Accounts be authorized and required to credit the account of the said Robert Shacklett with the amount of cost paid by him in a suit recently decided in the Supreme Court, in a case wherein the Hannibal and St. Joseph Railroad Company was plaintiff, and the said Robert Shacklett was defendant, to require said Shacklett to refund the amount collected from said company, which said suits have been decided in favor of said Hannibal and St. Joseph Railroad Company.

This act shall take effect from its passage.

Approved May 15, 1861.

AN ACT for the relief of the Collector of Jackson county.

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| <p>1. Auditor to settle accounts of late Collector for taxes of 1860 with present Collector.</p> <p>2. Collector to have until 1st September, 1861, to return delinquent list.</p> | <p>§ 3. This act not to take effect until securities of late Collector give consent in writing.</p> |
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TITLE XXV.

OF INTERNAL POLICE.

- CHAPTER 71.—Of Illegal Currency and Banking.
CHAPTER 72.—Of Lost Money and Goods and Unclaimed Merchandise.
CHAPTER 73.—Of Adulteration and Inspection of Liquors.
CHAPTER 74.—Of Gaming.
CHAPTER 75.—Of Circuses and Public Shows.
CHAPTER 76.—Of Certain Trespasses.
CHAPTER 77.—Of Vagrants.
CHAPTER 78.—Of Preservation of Fish and Destruction of Wolves.
CHAPTER 79.—Of Restraint of Stallions, Teams and Diseased Animals.
CHAPTER 80.—Of Inclosing Fields and Salt-peter Works.
CHAPTER 81.—Of Firing Woods, Marshes and Prairies.
CHAPTER 82.—Of Marks and Brands of Animals.
CHAPTER 83.—Of Strays.
CHAPTER 84.—Of Burial Grounds and their Protection.
CHAPTER 85.—Of Coroners and Inquests on the Dead.

CHAPTER 71.

OF ILLEGAL CURRENCY AND BANKING.

SECTION

1. No person, without authority of law, to create and put in circulation any note, &c., as circulating medium.
2. Punishment, by fine, for issuing, &c.
3. Forfeiture of fifty dollars for passing, vending, receiving, &c.
4. No corporation, broker or exchange dealer to pass or receive any note less than five dollars; proviso.
5. Penalty on broker, exchange dealer, &c., for violating this act.

SECTION

6. No person, corporation, &c., as agent of foreign corporation, shall keep a banking house, &c.
7. Penalty for violating the provisions of preceding section.
8. Every day on which such banking house is kept open declared a distinct offence.
9. All bonds, &c., securing the payment of money loaned or advanced by foreign banking company or agent thereof, utterly void, &c.

SECTION 1. No person unauthorized by law shall create or put in circulation, as a circulating medium, any note, bill, check, ticket, or other instrument of writing, purporting or evidencing that any money will be paid to the receiver, bearer or holder thereof, or to any person, by any name or description whatsoever, or that it will be received in payment of debts, or be used as a currency, or medium of trade, in lieu of money.

SECT. 2. If any person issue, put in circulation, sign, counter-sign or indorse any such note, bill, check, ticket, or other instrument of writing, he shall be fined not less than two hundred and fifty dollars, one-half to go to the prosecutor, and the other half to the county in which the offense shall be committed.

SECT. 3. If any person vend, pass, receive, or offer in payment any such note, bill, check or ticket, or other such currency, he shall forfeit fifty dollars, to be recovered by civil action, to the use of any person who shall sue for the same, before any justice of the peace of the county.

No person, without authority of law, to create or put in circulation any note, &c., as circulating medium.
R. S. § 1, p. 296
1 M. R., 129
4 M. R., 572
10 M. R., 519.

Punishment by fine, for issuing, &c.
R. S. § 2, p. 296.
19 M. R., 213.

Forfeiture of fifty dollars for passing, vending, receiving, &c.
R. S. § 3, p. 296.

No person, association, or corporation, shall pass or receive any note less than one dollar.

Provided,

R. S. § 4, p. 286.
13 M. R., 342.
23 M. R., 68.
33 M. R., 251.
33 M. R., 628.
31 M. R., 623.
34 M. R., 119.

Penalty on broker, exchange dealer, &c., for violation of this chapter.
R. S. § 10, p. 238.

No person, corporation, &c., as agent of foreign corporation, shall keep a banking house, &c.
R. S. § 11, p. 288.

Penalty for violating the provisions of preceding section.
R. S. § 12, p. 269.

Every day on which such banking house is kept open declared a distinct offense.
R. S. § 13, p. 299.

All bonds, &c., securing the payment of notes loaned or advanced by foreign banking company, or agent thereof, utterly void, &c.
R. S. § 14, p. 298.

SECT. 4. No person, association within the limits of this state (the bank of the State of Missouri, and its branches included), money broker or exchange dealer, shall pass or receive, within the limits of this state, any bank note or other paper currency of any kind, promising or ordering the payment of money or other thing, of less denomination than one dollar; *provided*, that said money brokers and exchange dealers may buy, take or receive such bank notes, post notes and currency, for the purpose of sending the same out of the state.

SECT. 5. Any money broker, exchange dealer, or any member or officer of any corporation, within the limits of this state (the officers and members of the bank of the State of Missouri included), or any other person whatever, who shall violate or evade any of the provisions of this chapter, shall be fined by a sum not less than one hundred dollars for the first offense, and shall be fined in a sum not less than five hundred dollars for each subsequent offense, to be recovered by indictment, for the use of the state.

SECT. 6. No person, association of persons or corporation, as the agent of any foreign corporation or unincorporated banking company, shall, within the limits of this state, keep any banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, or in any manner deal in buying or selling bills of exchange, checks, drafts, or in discounting bills or notes, or by or through the means of such banking house, agency office, office of discount and deposit, or of deposit only, or of discount only, loan, issue, emit, circulate, pass or pay, or tender in payment, any notes or bills of such foreign corporation or unincorporated banking company.

SECT. 7. If any person, association of persons, or corporation, shall violate the provisions of the preceding section, such person, association of persons, or corporation, shall forfeit the sum of one thousand dollars, to be recovered by indictment, or by civil action in the name of the state, one-half to the use of the prosecutor, and the other half to the use of the state.

SECT. 8. Every day during which, or any part of which, such prohibited banking house, agency or office, is kept open, or such prohibited business, or any of it, is transacted, shall constitute a distinct offense.

SECT. 9. All bond, bill or note, or other instrument of writing, securing the payment of any money or bank notes, loaned or advanced by any foreign corporation or unincorporated banking company, situated or located, or which is doing business by its officers or agents, within this state, to such foreign corporation or unincorporated banking company, or executed to any agent, or person holding himself out as agent of such corporation or unincorporated banking company, or to any corporation or person, whether such bond, bill or note, or other instrument of writing, be made payable, or made to secure the payment of such loan of money or bank notes to such such foreign corporation or unincorporated banking company, or to the agent thereof, for the use of the same, or to such agent, or any other person or corporation, either directly or indirectly, for the use of such foreign corporation or unincorporated banking company, in whatever name or form the same may be drawn, shall be taken and held as utterly void and of no effect.

AN ACT FIXING THE SALARIES OF CERTAIN CIVIL OFFICERS.*

[This act contains the following sections:]

§ 4. So long as terms of the Supreme Court shall be holden in the city of St. Louis, the sum of one hundred dollars per year shall, in addition to the salary above provided, be paid to each of the Judges of such court, out of the county treasury of the county of St. Louis; for which sum, warrants on such county treasury shall be drawn semi-annually in favor of such Judges, respectively, at the end of each regular term of said court holden in said city of St. Louis.

§ 5. The County Court of the county of St. Louis is hereby authorized and required to pay, annually, out of the county treasury of such county, to the judges of the Circuit Court of St. Louis county, the St. Louis Court of Common Pleas, the St. Louis Criminal Court, and the St. Louis Land Court, each, the sum of one thousand dollars, in addition to the salary allowed to such judges by the first section of this act; which sum of one thousand dollars shall be paid in four equal installments, at the end of each fiscal quarter of a year.

* R. C. 1855, p. 1396. By the first section of said act said judges were to receive two thousand dollars each annually. (2d p. 1395.) See *infra* the various acts organizing the several courts of St. Louis county.

COUNTY COURT—BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY—THEIR ORGANIZATION AND FUNCTIONS.

AN ACT AMENDATORY OF THE ACT, ENTITLED "AN ACT TO ESTABLISH COURTS OF RECORD, AND PRESCRIBE THEIR POWERS AND DUTIES," APPROVED 7TH MARCH, 1835.*

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| <p>§ 1. The county court of St. Louis county to consist of seven justices: the mode of their election, and tenure of their offices prescribed.</p> <p>2. Jurisdiction of said court.</p> <p>3. The governor shall appoint the county justices until the election.</p> <p>4. Compensation of said justices.</p> <p>5. Certain laws made applicable to the organization, &c., of this court.</p> <p>6. A probate court established in St. Louis county, to be held by one judge who shall be elected; election how held and certified: vacancies in office of judge; how filled.</p> <p>7. Qualifications of judge of probate; his compensation.</p> <p>8. Powers and jurisdiction of said court.</p> <p>9. Certain laws made applicable to the Probate Court.</p> | <p>§ 11. Election for said judge when to be held.</p> <p>12. Seal of court to be obtained. Judge may use his private seal, and keep the records of the court.</p> <p>13. Certain writs, &c., removed into this court from the county court of St. Louis county.</p> <p>14. Powers of said court.</p> <p>15. Terms of the probate court prescribed.</p> <p>16. Certain writs and processes made returnable to this court.</p> <p>17. For misconduct in office, the judge of probate may be removed.</p> <p>18. Where the office of judge of probate to be kept; contingent expenses of office to be paid by the county.</p> <p>19. Date of effect of this act.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the County Court of the county of St. Louis shall here-

* *Sess. Acts 1841*, p. 54. After the adoption of the constitution of the State of Missouri, the organization of county courts was first provided for by the act of November 28, 1820. (*Sess. Acts 1820*, p. 41.) Under this act those courts had jurisdiction of all matters of county concern, and also probate jurisdiction, &c. By the act of January 7, 1823, the jurisdiction was divided and distributed between county courts and probate courts. (*R. C. 1825*, p. 268.) By the act of January 2, 1827, the probate courts thus established were abolished, and the jurisdiction in matters of probate granted to the county courts. (*Sess. Acts 1827*, p. 18.) For statutes passed prior to the year 1855, bearing upon the jurisdiction of the county courts in matters of county concern, see the acts above cited; also *R. C. 1835*, pp. 155, 156; *R. C. 1845*, pp. 330, 331, 332; *R. C. 1855*, p. 833. For other acts with respect to the functions, &c., of the county court as a tribunal for the transaction of county business, see *Sess. Acts 1829*, p. 18; *Sess. Acts 1831*, pp. 10, 166; *Sess. Acts 1835*, p. 79; *Sess. Acts 1837*, adj. *Sess.*, p. 179; *Sess. Acts 1849*, p. 282; *Sess. Acts 1849*, p. 447.

Laws of the State of Missouri applicable to St Louis County
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St Louis 1861
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after consist of seven justices, to be styled the justices of the county court, one of whom shall reside in Bonhomme township, one in Carondelet township, one in Central township, one in Meramec township, one in Florissant township, and two in St. Louis township, in the county of St. Louis, at the time of his appointment, any three of whom shall be a quorum to do business, but a smaller number may adjourn from day to day, and require the attendance of absent members. They shall be elected by the qualified electors of the county of St. Louis, at such time and manner as is now provided for the election of justices of the county court. The justices of the county court of the county of St. Louis shall hold their offices for the term of four years, and until their successors are duly elected and qualified. The election shall be certified, ties determined, and vacancies filled, in the same manner as now provided by law in regard to justices of the county court.

§ 2. The county court of the county of St. Louis shall have and possess the following powers:

First. To have the control and management of the property, real and personal, belonging to the county.

Second. To have full power and authority to purchase or receive, by donation, any property, real and personal, for the use and benefit of their county.

Third. To sell, and cause to be conveyed, any real estate, goods or chattels belonging to their county, appropriating the proceeds of such sale to the use of the same.

Fourth. To audit and settle all demands against the county.

§ 3. All other powers vested in the county court of the county of St. Louis, by and under the act, entitled "An act to establish Courts of Record, and prescribe their powers and duties," approved 7th March, 1835, shall be; and the same is hereby vested in the probate court hereby established.

§ 4. The Governor, by and with the advice and consent of the Senate, shall appoint the four additional justices of the county court of the county of St. Louis created by this act, who shall hold their offices until the election of justices of the county court of the county of St. Louis, and until their successors are duly elected and qualified; one of the four, at the time of his appointment, shall reside in Florissant township, one in Bonhomme township, one in Meramec township, and one in St. Louis township, in said county. That, for

the purpose of the appointments by this section authorized, this act shall take effect from and after its passage, but the commissions of justices, so appointed, shall take effect from and after the first day of May next.

§ 5. The justices of the county court of the county of St. Louis shall hereafter be allowed, as compensation for their services, as such, two dollars per day, each, for each day's service, to be paid out of the county treasury.

§ 6. All acts, and parts of acts, not repugnant to, nor inconsistent with, the provisions of this act, shall apply to the organization, jurisdiction and proceedings of the county court of the county of St. Louis, as hereby organized.

§ 7. There shall be a probate court in the county of St. Louis, to be held at such time and place as shall be prescribed by law; the same shall be composed of one judge, who shall be styled the judge of probate of the county of St. Louis. He shall be elected by the qualified electors of the county of St. Louis, and shall hold his office for the term of six years, and until his successor is duly elected and qualified, unless sooner removed from office. The election shall be certified, by the judges and clerks of the election, to the clerk of the county court of the county of St. Louis, and in case of a tie between two or more persons, the same shall be determined by the county court. The clerk of the county court shall certify to the Governor the name of the person elected under this act, who shall thereupon commission him as judge of the probate court of the county of St. Louis, for the term for which he may have been elected. When a vacancy shall happen in the office of judge of probate of the county of St. Louis, the county court, at their next term after such vacancy occurs, shall order a special election to be advertised and held, not more than sixty days thereafter, to elect a judge to fill such vacancy, until the expiration of the term for which the judge was formerly elected, and until his successor be elected and qualified.

§ 8. The judge of probate shall be at least thirty years of age, a citizen of the United States, and shall have resided in the county of St. Louis five years previous to his election or appointment. He shall, before entering upon the duties of his office, take an oath, like as required to be taken by the judges of the circuit courts, and may be removed from office in the same manner, and for the same causes, as

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BROKERS AND EXCHANGE DEALERS.

CHAP. 23.

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mony offered by the parties, to ascertain the amount of the damages, and their verdict shall be final; and the amount of the verdict shall be paid out of the county treasury or treasuries.

Approved November 17, 1855.

CHAPTER XXIII.

BROKERS AND EXCHANGE DEALERS.

AN ACT TO LICENSE AND TAX MONEY BROKERS AND EXCHANGE DEALERS.

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| <p>§ 1. No person shall exercise the business of a broker or exchange dealer, without a license.</p> <p>2. Statement, in writing, on oath, to be delivered to collector before license issues.</p> <p>3. Tax to be paid before license delivered. Rate of tax.</p> | <p>§ 4. Certain persons not amenable to the provisions of this act.</p> <p>5. Clerk to issue blank licenses. Form of license.</p> <p>6. Blank licenses to be charged to collector. Collector to settle and account, how.</p> <p>7. Penalty for violation of this act.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:—

No person shall exercise the business of a broker or exchange dealer, without a license.

SECTION 1.—No person, or association, or company of persons, shall carry on the business of dealing in, or buying or selling, or shaving any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other kind of writings obligatory, or in procuring the gold and silver of the country to dispose of the same for a premium, in this State or elsewhere, without a license for that purpose continuing in force.

Statement, in writing, on oath, to be delivered to collector before license issues.

SEC. 2.—Before any person, or association, or company of persons, shall receive a license to deal as a money broker or exchange dealer, he or they shall deliver to the collector of the proper county, a statement, in writing, verified by oath or affirmation, showing the amount of business expected to be done, and the capital to be employed in his or their business, for the six months next ensuing the delivery of such statement.

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SEC. 3. — Such license shall be for the period of six months, and the tax thereon shall be paid to the collector before its delivery by him, and shall be levied according to the amount of business expected to be done, or the amount of capital to be employed, whichever is greatest in amount, and at the following rates: *First*, When the amount is five thousand dollars or less, fifty dollars; *Second*, When the amount is more than five thousand dollars, and does not exceed ten thousand dollars, seventy-five dollars; *Third*, When the amount is more than ten thousand dollars, and does not exceed fifteen thousand dollars, one hundred dollars; *Fourth*, When the amount is more than fifteen thousand dollars, and does not exceed twenty thousand dollars, one hundred and twenty-five dollars; *Fifth*, When the amount is more than twenty thousand, and does not exceed thirty thousand dollars, one hundred and seventy-five dollars; *Sixth*, When the amount is more than thirty thousand, and does not exceed fifty thousand dollars, two hundred and fifty dollars; *Seventh*, When the amount is more than fifty thousand, and does not exceed seventy-five thousand dollars, three hundred dollars; *Eighth*, When the amount is more than seventy-five thousand, and does not exceed one hundred thousand dollars, three hundred and fifty dollars; *Ninth*, When the amount is more than one hundred thousand, and does not exceed one hundred and fifty thousand dollars, four hundred dollars; *Tenth*, When the amount is more than one hundred and fifty thousand, and does not exceed two hundred thousand dollars, four hundred and fifty dollars; *Eleventh*, When the amount is more than two hundred thousand, and does not exceed three hundred thousand dollars, five hundred dollars; *Twelfth*, When the amount is more than three hundred thousand, and does not exceed five hundred thousand dollars, six hundred dollars; *Thirteenth*, When the amount exceeds five hundred thousand dollars, one thousand dollars.

Tax to be paid before license delivered.

Rate of license tax.

SEC. 4. — Persons who do not deal as money brokers or exchange dealers, except as incidental (a) exigencies may arise, or at such times as the convenience of their other business may require, are not amenable to the provisions of this act.

Certain persons not amenable to the provisions of this act.

(a) This word is used in the original bill and in the R. C. 1845: in the enrolled bill the word "individual" is employed, evidently by mistake.

Clerk to issue blank licenses, when.

SEC. 5.—The clerk of the county court of such county shall issue as many blank licenses for money brokers or exchange dealers, as the court may direct, which shall be under the seal of the court, and in the following form:—

Form of license.

“The State of Missouri, to all who shall see these presents, Greeting: Know ye, That A. B., having on the — day of —, 18—, paid to C. D., collector within and for the county of E—, the sum of — dollars, being the semi-annual tax imposed on him as a —. Therefore, the said A. B. is hereby authorized to deal as — at any one place within said county, for six months, ending the — day of — next.

New section.

In testimony whereof, I, F. G., clerk of the county court of the county of E—, have affixed the seal of said court, this — day of —, 18—. F. G., Clerk.

Granted this — day of —, 18—.

C. D. Collector.”

Collector, to settle and account, how.

SEC. 6.—Such clerk shall deliver to the collector of his county all licenses so issued, and charge him therewith, in a book to be kept for that purpose; and the collector shall settle with the county court, account for and pay over the tax on such licenses, in the manner provided by law.

New section.

Penalty for violation of this act.

SEC. 7.—Persons violating this act, shall be fined not less than one thousand dollars; and any false statement given to the collector, either as to the amount of business to be done, or amount of capital employed, shall be deemed as much a violation of this act, as it would be to carry on the business of broker or exchange dealer without a license.

New section.

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much thereof as may be necessary; and, generally, do all acts requisite to bring to a speedy close all the affairs of the corporation.

SEC. 35.—The trustee shall make a report of his proceedings to the county court, at each term thereof.

Trustee to make report.

SEC. 36.—When the trustee shall have closed the affairs of the corporation, he shall pay over to the county court all moneys remaining in his hands, and deliver to the clerk of such court all books, papers, records and deeds, belonging to the dissolved corporation.

Duty of trustee when the affairs are closed.

SEC. 37.—The trustee shall receive for his services such compensation as the court shall think reasonable.

Compensation of trustee.

SEC. 38.—If any town, disincorporated as aforesaid, have an annual revenue accruing thereto, the same shall be paid to the county court, by the persons owing the same; and all moneys thus paid, as well as all moneys paid them by the trustee, shall be held and disposed of by the court, for the benefit of such town, and may be applied by the court to any specific object, upon the petition of a majority of the taxable inhabitants of such town.

Revenue, &c., accruing to town disincorporated, to be paid to county court, &c.

SEC. 39.—Every constable, marshal, collector and treasurer, appointed by virtue of this act, shall, before he enters on the duties of his office, enter into bond, payable to the city or town of which he is an officer, with good and sufficient securities, in any sum not less than one thousand dollars, the amount to be fixed, and the bond to be approved, by the board of trustees. The bond shall be conditioned that he will faithfully perform the duties of his office, according to law.

Constable, collector and treasurer, to give bond; penal sum; condition of bond.

ARTICLE II.

OF THE DRAWING AND PAYING WARRANTS.

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| <p>1. Warrants upon the town treasury, how to be drawn; in favor of one individual, when.</p> <p>2. To be drawn in favor of the person to whom the debt is due.</p> <p>3. Payment not to be made, except, to whom, &c.</p> <p>4. Warrants may be assigned; form of assignment.</p> <p>5. Penalty on treasurer or other officer of any city or town, for paying to improper person.</p> | <p>6. He shall reside in his town, receive all moneys, and disburse the same on warrants.</p> <p>7. A register of warrants to be kept; to be paid in the order presented for payment.</p> <p>8. As funds accrue in the treasury, same to be set apart for payment of warrants presented; payment of warrants not to be refused, when.</p> <p>9. No interest to be paid on warrants after funds for their payment have been set apart.</p> |
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- § 10. Accounts of moneys received, and abstracts of warrants paid, to be kept.
11. Warrants not paid on presentation, to be so endorsed; to draw interest from date of endorsement.
12. Warrants to be filed and registered.
13. Duplicate receipts to be given; how to be disposed; books, papers and money, to be subject to the inspection of the board.

- § 14. Treasurer to furnish accounts of receipts and expenditures.
15. He shall make annual settlements; other settlements to be made, when; funds in hands of treasurer to be ascertained by actual count, when.
16. Reasonable compensation shall be allowed him.
17. Provisions of twenty-fourth section of first article to be applicable to all incorporated towns and cities.

Warrants upon the town treasury, how to be drawn.

SECTION 1.—In all cases where any city or town in this State shall be indebted to any person, on any account whatever, a warrant shall be drawn on the treasurer, or other officer having the legal custody of the moneys of such city or town, for the whole amount found due to such person, by the tribunal or officer having the power to audit and allow claims against such city or town, and to draw warrants therefor; and such tribunal or officer shall not, in any case, draw more than one warrant for the amount allowed to the same individual, at the same time.

To be drawn in favor of the person to whom the debt is due.

SEC. 2.—All warrants drawn on the treasurer, or other proper officer, of any city or town, shall be drawn in favor of the person to whom the amount thereof shall be allowed, and of no other person, and such warrants may be in the form now used.

Not to be paid, unless presented by person in whose favor it is drawn, &c.

SEC. 3.—No treasurer, or other officer, of any city or town in this State, shall pay any warrant drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or by his assignee, executor or administrator.

Warrants may be assigned; form of assignment.

SEC. 4.—All such warrants shall be assignable, and every assignment of any such warrant shall be in the following form: "For value received, I, ———, do hereby assign all my right in the within warrant, No. ———, to ———, this ——— day of ———, 18——."

(Signature of assignee.)

Penalty on treasurer or other officer of any city or town, for paying to improper person.

SEC. 5.—No treasurer, or other officer, of any city or town in this State, shall pay any warrant drawn on him, out of the funds belonging to such city or town, to any other person than the person in whose favor the same is drawn, or to his executor [or administrator,] or the person to whom the

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same has been assigned, in the manner required by the preceding section. Any such treasurer, or other officer, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor in office, and, for every such violation, shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars.

SEC. 6.—He shall reside and keep his office in the city or town of which he is treasurer; and shall receive all moneys payable into the treasury thereof, and disburse the same on warrants drawn by order of the board of trustees.

SEC. 7.—He shall procure and keep a well-bound book, in which he shall make an entry of all warrants presented to him for payment, which shall have been legally drawn for money, stating correctly the date, amount, number, in whose favor drawn, and the date the same was presented; and all warrants so presented shall be paid in the order in which they shall be presented for payment.

SEC. 8.—No treasurer shall refuse the payment of any warrant legally drawn upon him, and presented for payment, for the reason that warrants of prior presentation have not been paid, when there shall be money in the treasury sufficient to pay such prior warrants, and any such warrant so presented; but such treasurer shall, as he shall receive money into the treasury, set the same apart for the payment of warrants previously presented, and in the order presented, so that no warrant of subsequent presentation shall remain unpaid, by reason of the order of the same failing to present such warrants for payment, after funds shall have accrued in the treasury for the payment of the same.

SEC. 9.—No interest shall be paid on any warrant presented for payment, after funds for the payment of the same shall have been set apart, the date of which setting apart shall be registered by the treasurer.

SEC. 10.—He shall keep a just account of all moneys received and disbursed, and regular abstracts of all warrants drawn on the treasurer and paid.

SEC. 11.—When warrants are presented for payment, if there be no money in the treasury applicable for that purpose, the treasurer shall so certify on the back of the warrant, [and] date and subscribe the same; and all such warrants, so dated and subscribed, shall draw legal interest, until funds

To reside in his town; receive and disburse all moneys, how.

Register of warrants to be kept: to be paid in the order pre-ordered for payment.

As funds accrue in the treasury, the same to be set apart for the payment of warrants already presented; payment of warrants not to be refused, when.

No interest paid on warrants, when.

Accounts of moneys, &c., to be kept.

Warrants not paid on presentation, to be so endorsed; to draw interest, when.

Warrants to be filed and registered.

Duplicate receipts to be given; books, papers and money subject to the inspection of the board.

Treasurer to furnish accounts of receipts, &c.

He shall make annual settlements; other settlements to be made, when; funds in the hands of treasurer to be ascertained by actual count, when.

Reasonable compensation shall be allowed him.

Provisions of twenty-fourth section of first article applicable, to what.

for the payment of the same shall have been set apart, as herein provided.

SEC. 12.—He shall file all warrants on the treasury, make a register of the number and date thereof, the name of the person in whose favor drawn, and the amount of each.

SEC. 13.—He shall make duplicate receipts in favor of the proper person for all moneys paid into the treasury, one of which shall be delivered to the person entitled thereto, and the other he shall file with the clerk of the board of trustees; and the said treasurer shall keep the books, papers and money, pertaining to his office, at all times open for inspection of the board of trustees, or any member thereof.

SEC. 14.—As often, and in such manner, as may be required by the trustees, he shall furnish an account of the receipts and expenditures of such city or town.

SEC. 15.—He shall, once in every year, settle his accounts with the board of trustees, and if he resign, or be removed from office, he, (or, if he die, his executor or administrator,) shall immediately make such settlement, and deliver to his successor in office all things pertaining thereto, together with all moneys belonging to such city or town; and, at the close of every term for which such treasurer shall have been elected or appointed, from whatever cause it shall occur, the board of trustees shall immediately proceed to ascertain, by actual examination and count, the amount of balances and funds in the hands of such treasurer to be accounted for.

SEC. 16.—He shall be allowed, for his services under this act, such compensation as the board of trustees shall deem just and reasonable.

SEC. 17.—The provisions of the twenty-fourth section of the first article of this act shall be applicable to all towns incorporated under this act, and to all towns and cities incorporated in any other manner.

Approved November 23, 1855.

ARTICLE IV.

OF OFFENCES AFFECTING RECORDS, CURRENCY, INSTRUMENTS
OR SECURITIES, PUBLIC AND PRIVATE.

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| <p>1. Forgery in the first degree.</p> <p>2. Additional acts constituting forgery in the first degree.</p> <p>3. Forging certain seals, forgery in the second degree.</p> <p>4. Altering, &c., records, &c., forgery in the second degree.</p> <p>5. Altering entries in records, &c., forgery in the second degree.</p> <p>6. Officers making false certificates of acknowledgment of deeds, &c., forgery in the second degree.</p> <p>7. Counterfeiting gold or silver coin, forgery in second degree.</p> <p>8. Forging notes, &c., on any bank, forgery in second degree.</p> <p>9. Selling, &c., such note, bill, &c., forgery in second degree.</p> <p>10. Having in possession, or bringing into this State, such note, bill, &c., with intent, &c., forgery in second degree.</p> <p>11. Engraving, &c., plates, in similitude of bank-bills, &c., forgery in second degree.</p> <p>12. When plates deemed in similitude of genuine bills, &c.</p> <p>13. Bringing into this State, having in possession, selling, &c., counterfeit gold or silver coin, forgery in third degree.</p> <p>14. Selling or delivering, &c., such coin, forgery in third degree.</p> <p>15. Counterfeiting, &c., process, plea, &c., of a competent court, forgery in third degree.</p> <p>16. Counterfeiting instruments affecting pecuniary demands, forgery in third degree.</p> <p>17. False entries in books of certain public officers, forgery in third degree.</p> <p>18. False entries in books of moneyed corporations, forgery in third degree.</p> | <p>19. Having in possession forged instruments, with intent, &c., forgery in fourth degree.</p> <p>20. Selling, exchanging, &c., such instruments, forgery in fourth degree.</p> <p>21. Passing, or offering to pass, counterfeit coin, forgery in the fourth degree.</p> <p>22. Total obliteration of writings, when deemed forgery.</p> <p>23. Putting together parts of several genuine instruments, with intent to defraud, forgery, &c.</p> <p>24. What a written instrument, &c.</p> <p>25. Affixing pretended signatures to note, &c., of corporations, deemed forgery.</p> <p>26. Making false instruments, &c., in a fictitious name.</p> <p>27. Making false instruments, &c., in his own name, as the act of another, forgery.</p> <p>28. Impairing, clipping, &c., gold or silver coin, &c.</p> <p>29. Punishment for the several degrees of forgery.</p> <p>30. Making, keeping, &c., rolling press, &c., for forging, &c., how punished.</p> <p>31. To cast, engrave, &c., or have tools for that purpose, with intent, &c., how punished.</p> <p>32. Personating another in certain cases, how punished.</p> <p>33. Tearing, cutting, burning any will, &c., how punished.</p> <p>34. Aiding, counselling, &c., in the commission of any offences specified, how punished.</p> <p>35. Tools for counterfeiting, and counterfeit coin, to be seized, &c., and destroyed by order of court.</p> <p>36. Disqualifications annexed to above offences.</p> |
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Forgery in
the first de-
gree.

SECTION 1.—Every person who shall forge, counterfeit or falsely alter, or cause or procure to be forged, counterfeited or falsely altered: *First*, Any will of real or personal property, or any deed or other instrument, being, or purporting to be, the act of another, by which any right or interest in real property shall be, or purport to be, transferred, or in any way changed or affected; or, *Second*, Any certificate of the

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acknowledgment or proof of any deed or other instrument which, by law, may be recorded, made, or purporting to have been made, by any court or officer duly authorized to make such certificate or endorsement; or, *Third*, Any certificate of the proof of any will of real or personal property which, by law, may be recorded, made, or purporting to have been made, by any officer authorized to make such certificate; or, *Fourth*, Any certificate or endorsement of the filing or recording any such will, deed or other instrument, which, by law, may be recorded, or purporting to have been made by an officer authorized to make such certificate or endorsement, with intent to defraud, shall, on conviction, be adjudged guilty of forgery in the first degree. (a)

SEC. 2.—Every person who shall forge, counterfeit or falsely alter, or cause or procure to be forged, counterfeited or falsely altered: *First*, Any warrant, order, bill, certificate, or other public security, issued, or purporting to have been issued, under the authority of this State, by virtue of any law thereof, by which the payment of any money, absolutely or upon a contingency, shall be promised, or the receipt of any money, goods or valuable thing, shall be acknowledged, or which shall be, or purport to be, receivable in payment of the State; or, *Second*, Any certificate of any share or interest in any public stock, created by virtue of any law of this State, issued, or purporting to have been issued, by any public officer, or any bond, or other evidence of any debt, of this State, either absolute or contingent, made or issued, or purporting to have been made or issued, by any public officer; or, *Third*, Any endorsement, assignment or other instrument, transferring, or purporting to transfer, the right or interest of any holder of any such warrant, order, bill, certificate, public security, certificate of stock, bond, evidence of debt or liability, or [of] any person entitled to such right or interest, with intent to defraud this State, or any public officer thereof, or any other person, shall, on conviction, be adjudged guilty of forgery in the first degree.

SEC. 3.—Every person who shall forge or counterfeit, or cause or procure to be forged or counterfeited, the seal of this

Additional
acts constitut-
ing forgery in
first degree.

Forging
certain seals,
forgery in the
second degree.

(a) *Ide*, *State v. Shoemaker*, 7 Mo. Rep., 177; 2 East, P. C., 966, 991, 858, 950, 1,001, 855; Arch., 283; 4 Black. Com., 247; 2 Russ., 385; 2 T. R., 606; 4 T. R., 28.

Altering,
&c., records
and returns,
forgery in the
second degree.

Altering en-
tries in re-
cords, &c.,
forgery in the
second degree.

Officers mak-
ing false cer-
tificates of ac-
knowledg-
ment of deeds,
&c., forgery
in the second
degree.

Counterfeit-
ing gold or
silver coin,
forgery in the
second degree.

State, the seal of any court of record, or the seal of any public office authorized by law, the seal of any officer, by law entitled to have and use an official seal, or the seal of any body corporate, duly incorporated by or under the laws of this State, or who shall make, or forge, or counterfeit any impression, purporting to be the impression of any such seal, with intent to defraud, shall, upon conviction, be adjudged guilty of forgery in the second degree.

SEC. 4.—Every person who, with intent to defraud, shall falsely alter, destroy, corrupt or falsify, or procure to be falsely altered, destroyed, corrupted or falsified: *First*, Any record of any will, conveyance, or other instrument, the record or copy of the record of which, by law, shall be evidence; or, *Second*, Any record of any judgment or decree in any court of record; or, *Third*, The return of any officer, court or tribunal, to any order, writ, or process of any court, shall, upon conviction, be adjudged guilty of forgery in the second degree.

SEC. 5.—Every person who shall falsely make, forge or alter, or cause or procure to be falsely made, forged or altered, any entry in any book of record, or any instrument purporting to be any record or return, specified in the last section, with intent to defraud, shall, upon conviction, be adjudged guilty of forgery in the second degree.

SEC. 6.—If any person authorized to take the proof of [or] acknowledgment of any conveyance of real estate, or of any instrument which, by law, may be recorded, shall either: *First*, Willfully certify that any such conveyance or instrument was acknowledged by any party thereto, when, in truth, no such acknowledgment was made; or, *Second*, Willfully certify that any such conveyance or instrument was proved, when, in fact, no such proof was made; or, *Third*, Willfully certify falsely in any material matter contained in any certificate, being, or purporting to be, a certificate of acknowledgment or proof of any such conveyance or instrument, shall, upon conviction, be adjudged guilty of forgery in the second degree.

SEC. 7.—Every person who shall counterfeit, or cause or procure to be counterfeited, any gold or silver coin, at the time current within this State by law or usage, or in actual use or circulation within the State, or shall make, or cause to

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be made, any false or counterfeit coin, in imitation or similitude of any gold or silver coin so current, or in actual use or circulation within this State, shall, on conviction, be adjudged guilty of forgery in the second degree. (a)

SEC. 8. — Every person who shall forge or counterfeit, or falsely make or alter, or cause or procure to be forged, counterfeited, or falsely made or altered: *First*, Any promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt, being, or purporting to be, made or issued by any bank incorporated under the laws of the United States, or this State, or of any other State, Territory, government or country; or, *Second*, Any order or check, being, or purporting to be, drawn on any such incorporated bank, or any cashier thereof, by any other person, company or corporation, shall, upon conviction, be adjudged guilty of forgery in the second degree.

Forging
notes, &c., on
any bank,
forgery in the
second degree.

SEC. 9. — Every person who shall sell, exchange or deliver, or offer to sell, exchange or deliver, or receive upon a sale, exchange or delivery, for any consideration, any falsely-made, altered, forged or counterfeited note, check, bill, draft or other instrument, the falsely making, altering, forging or counterfeiting of which is, by the last section, declared to be an offence, knowing the same to be falsely made, altered, forged or counterfeited, with intent to have the same altered or passed, shall be adjudged guilty of forgery in the second degree.

Selling, &c.,
such note, bill,
&c., forgery
in the second
degree.

SEC. 10. — Every person who shall bring into this State, or have in his possession or custody, any falsely-made, altered, forged or counterfeited note, bill, check, draft or other instrument, the falsely making, altering, [forging] or counterfeiting of which is, by the eighth section of this article, declared to be an offence, knowing the same to be falsely made, altered, forged or counterfeited, with the intent to utter, pass, sell or exchange the same, as true or false, or to cause the same to be passed, uttered, sold or exchanged, with intent to defraud, shall, on conviction, be adjudged guilty of forgery in the second degree.

Bringing into
this State, or
having in pos-
session, such
note, bill, &c.,
with intent,
&c., forgery
in the second
degree.

SEC. 11. — Every person who shall either: *First*, Make or engrave, or cause or procure to be made or engraved, any

Engraving,
&c., forgery in
second degree.

(a) *Mattison v. State*, 3 Mo. Rep., 421; *State v. Shoemaker*, 7 Mo. Rep., 177.

plate, in the form or similitude of any promissory note, bill of exchange, draft or order, check, certificate of deposit, or other evidence of debt, issued by any incorporated bank in this State, or by any bank incorporated under the laws of the United States, or of any State or Territory thereof, or under the laws of any foreign country or government, without the authority of such bank; or, Second, Have or keep in his custody or possession, any such plate, without the authority of such bank, with the intent of using, or having the same used, for the purpose of taking therefrom any impression, to be passed, sold or uttered; or, Third, Make, or cause to be made, or have or keep in his custody or possession, any plate upon which shall be engraved any figures or words, intended [for] or adapted to, or which may be used for, the purpose of falsely altering any evidence of debt, issued by any such incorporated bank, with the intent of using, or having the same used, for that purpose; or, Fourth, Make, or cause to be made, or have or keep in his custody or possession, without the authority of such bank, any impression taken from any such plate, with the intent to fill up and complete, or to have the same filled up and completed, or sold, passed or uttered, shall, upon conviction, be adjudged guilty of forgery in the second degree.

When plate deemed in similitude of genuine bills, &c.

SEC. 12. — Every plate specified in the last section shall be deemed to be in the form and similitude of the genuine instrument, in either of the following cases: *First*, When the engraving on such plate, or any impression therefrom, resembles and conforms to such parts of the genuine instrument as are engraved; or, *Second*, Where such plate shall be partly finished, and the part so finished, or any impression therefrom, resembles and conforms to similar parts of the genuine instrument.

Bringing into this State, having in possession, selling, &c., counterfeit gold or silver coin, forgery in the third degree.

SEC. 13. — Every person who shall bring into this State, or have in his custody or possession, any counterfeit or imitation of any gold or silver coin, the counterfeiting of which is herein before declared to be an offence, knowing the same to be counterfeited, with intent to defraud or injure, by uttering the same as true or false, or by causing the same to be uttered, shall, upon conviction, be adjudged guilty of forgery in the third degree. (a)

(a) 9 Mo. Rep., 730; 9 Mo. Rep., 845; 15 Mo. Rep., 153.

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SEC. 14.—Every person who shall sell, exchange or deliver, or offer to sell, exchange or deliver, or receive upon any sale, exchange or delivery, any such counterfeit or imitation of any gold or silver coin, specified in the last section, knowing the same to be counterfeited, with the intent to have the same uttered or passed, shall be adjudged guilty of forgery in the third degree.

Selling or delivering, &c., such coin, forgery in the third degree.

SEC. 15.—Every person who, with intent to injure or defraud, shall falsely make, alter, forge or counterfeit, any instrument or writing, being, or purporting to be, any process issued by any competent court, or magistrate, or officer, or any pleading or proceeding filed or entered in any court of law or equity, or any certificate, order or allowance, by any competent court or officer, or any license or authority, authorized by any statute, shall, upon conviction, be adjudged guilty of forgery in the third degree.

Counterfeiting, &c., plea, &c., of a competent court, forgery in the third degree.

SEC. 16.—Every person who, with intent to injure or defraud, shall falsely make, alter, forge or counterfeit any instrument or writing, being, or purporting to be, the act of another, by which any pecuniary demand or obligation shall be, or purport to be, transferred, created, increased, discharged or diminished, or by which any rights or property whatsoever shall be, or purport to be, transferred, conveyed, discharged, increased, or in any manner affected, the falsely making, altering, forging or counterfeiting of which is not herein before declared to be a forgery in some other degree, shall, on conviction, be adjudged guilty of forgery in the third degree. (a)

Counterfeiting instruments affecting pecuniary demands, forgery in the third degree.

SEC. 17.—Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in a book of accounts kept in the office of the Auditor of Public Accounts, or in the office of the State Treasurer, or in the office of the Register of Lands, or of any county treasurer, by which any demand or obligation, claim, right or interest, either against or in favor of this State, or any county, or any individual, shall be, or shall purport to be, created, increased, discharged, diminished, or in any manner affected, shall, upon conviction, be adjudged guilty of forgery in the third degree.

False entries in books of certain public officers, forgery in the third degree.

(a) A county warrant is such an instrument or writing as may be forged. *State v. Feely*, 18 Mo. Rep., 445.

False entries
in books of
moneyed cor-
porations,
forgery in the
third degree.

SEC. 18. — Every person who, with intent to defraud, shall make any false entries, or shall falsely alter any entry made in a book of accounts kept by any moneyed corporation within this State, or in any book of accounts kept by any such corporation or its officers, and delivered, or intended to be delivered, to any person dealing with such corporation, by which any pecuniary obligation, claim or credit, shall be, or shall purport to be, created, increased, diminished or discharged, or in any manner affected, shall, upon conviction, be adjudged guilty of forgery in the third degree.

Having in
possession
forged instru-
ments, with
intent, &c.,
forgery in the
fourth degree.

SEC. 19. — Every person who shall have in his possession, buy or receive, any falsely-made, altered, forged or counterfeited instrument or writing, the forgery of which is herein before declared to be an offence, (except such as are enumerated in the eighth section of this article,) knowing the same to be forged, counterfeited or falsely made or altered, with intent to injure or defraud, by uttering the same as true or false, or causing the same to be so uttered, shall, upon conviction, be adjudged guilty of forgery in the fourth degree.

Selling, de-
livering, ex-
changing,
&c., such in-
strument,
forgery in the
fourth degree.

SEC. 20. — Every person who shall sell, exchange or deliver, or offer to sell, exchange or deliver, for any consideration, any falsely-altered, forged or counterfeited instrument or writing, the forgery of which is declared punishable, (except as in the last section is excepted,) knowing the same to be forged, counterfeited or falsely altered, with the intention to have the same uttered or passed, shall, upon conviction, be adjudged guilty of forgery in the fourth degree.

Passing, or
offering to
pass, counter-
feit coin, for-
gery in the
fourth degree.

SEC. 21. — Every person who, with intent to defraud, shall pass, utter or publish, or offer or attempt to pass, utter or publish as true, any forged, counterfeited or falsely-uttered instrument or writing, or any counterfeit, or any imitation of any gold or silver coin, the altering, forging or counterfeiting of which is herein before declared to be an offence, knowing such instrument, writing or coin to be altered, forged or counterfeited, shall, upon conviction, be adjudged guilty of forgery in the same degree [as] herein before declared for the forging, altering or counterfeiting the instrument, writing or coin, so passed, uttered or published, or offered or attempted to be passed, uttered or published.

Total obliteration of writings, forgery.

SEC. 22. — The total erasure or obliteration of any instrument or writing, with intent to defraud, by which any pecu-

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niary obligation, or any right, interest or claim to money, right in action or property, shall be, or purport to be, or shall be intended to be created, conveyed, transferred, increased, discharged, diminished, or in any manner affected, shall be deemed forgery in the same manner, and in the same degree, as the false alteration of the whole or any part of such instrument or writing.

SEC. 23.—When different parts of several genuine instruments shall be so placed or connected together as to produce one instrument, with intent to defraud, the same shall be deemed forgery in the same manner, and in the same degree, as if the parts so put together were falsely made or forged.

SEC. 24.—Every instrument partly printed and partly written, or wholly printed, with a written signature thereto, and every signature of an individual, firm or corporate body, or of any officer of such body, and every writing purporting to be such signature, shall be deemed a writing and a written instrument, within the meaning of the provisions of this article.

SEC. 25.—The false making, forging or counterfeiting of any evidence of debt, or negotiable instrument issued, or purporting to have been issued, by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be deemed a forgery in the same degree, and in the same manner, as if such person was at the time an officer or agent of such corporation, notwithstanding such person may never have been an officer or agent of such corporation, or notwithstanding there never was any such person in existence.

SEC. 26.—The false making, forging or counterfeiting of any instrument or writing, being, or purporting to be, the act of another, by which any pecuniary demand or obligation, or any right, interest or claim to money, right in action or property, shall be, or purport to be, or intended to be, conveyed, transferred, created, increased, discharged, diminished, or in any manner affected, to which shall be affixed a fictitious name, or the name or pretended signature of any person not in existence, shall be deemed a forgery in the same degree, and in the same manner, as if the name so

Putting together different parts of several genuine instruments, with intent to defraud, forgery, &c.

What deemed a written instrument, &c.

Affixing pretended signatures to notes, &c., of corporations, deemed forgery, &c.

Making false instruments, &c., in a pretended or fictitious name.

Making false instruments, &c., in his own name, as the act of another, forgery.

Impairing, clipping, &c., gold or silver coin, &c.

Punishment for the several degrees of forgery.

Making, keeping, &c., rolling press for forgery, &c.

Punishment.

To cast, &c., with intent, &c., how punished.

affixed was the name of *the* [a] person in being, or purporting to be the signature of a person in existence.

SEC. 27. — If any one shall, with intent to injure or defraud, make any instrument or writing (as in the last section specified) in his name, and shall utter or pass it under the pretence that it is the act of another who bears the same name, he shall, upon conviction, be adjudged guilty of forgery in the same degree as if he had forged the instrument in the name of *the* [a] person bearing a different name from his own.

SEC. 28. — Every person who, with intent to defraud, shall impair, falsely clip, scale, lighten or diminish, any gold or silver coin, current by law or usage, or in actual use and circulation, within this State, shall, upon conviction, be adjudged guilty of forgery in the fourth degree.

SEC. 29. — Persons convicted of forgery as herein specified and declared, shall be punished as follows: *First*, Those convicted of forgery in the first degree, by imprisonment in the penitentiary for a term not less than ten years; *Second*, Those in the second degree, by the like imprisonment, not less than five, nor more than ten years; *Third*, Those in the third degree, by like imprisonment, not exceeding seven years; *Fourth*, Those in the fourth degree, by the like imprisonment, not exceeding five years, or by imprisonment in a county jail, not less than six months.

SEC. 30. — Every person who shall form, make or amend, have or keep in his possession or custody, or sell, exchange or deliver to another, any paper, rolling press, or other tool, instrument or material, devised, adapted or designed for the stamping, forging and making any false or counterfeit bill, note, certificate, or other negotiable evidence of debt, issued by any incorporated bank, as specified in the eighth section of this article, or devised, adapted and designed for the falsely altering any such bill, note, draft, check, certificate, or other evidence of debt of any such bank, with intent to use and employ the same, or cause or permit the same to be used or employed in the falsely making, altering, forging or counterfeiting, any such bill, note, draft, check or certificate, or other evidence of debt, shall, upon conviction, be punished as herein before prescribed for forging in the third degree.

SEC. 31. — If any person shall cast, stamp, engrave, form,

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make or amend, or shall begin to cast, stamp, engrave, form, make or amend, or shall knowingly have in his possession or custody, or shall sell, exchange or deliver to another, any mould, pattern, dye, puncheon, engine, press or other tool, or instrument, devised, adapted or designed for the coining or making, edging, graining or lettering, any false or counterfeit money or coin, in imitation or similitude of any gold or silver coin, current by law or usage, or in use or circulation, within this State, with the intent to use and employ the same, or procure or permit the same to be used or employed in coining, or making, or edging, graining or lettering, any such false and counterfeit coin, upon conviction, shall be punished as herein before prescribed for forgery in the fourth degree.

SEC. 32.—Every person who shall falsely represent or personate another, and in such assumed character shall, either: *First*, Become bail or security, or acknowledge any recognizance, or execute any bond or other instrument, as bail or security, for any party in any proceeding, civil or criminal, before any court or officer, authorized to take such bail or security; or, *Second*, Confess any judgment; or, *Third*, Acknowledge the execution of any conveyance of any real or personal property, or any other instrument which, by law, may be recorded; or, *Fourth*, Do any other act in the course of the suit, proceeding or prosecution, whereby the person so represented or personated may be made liable, in any event, to the payment of any debt, damages, costs or sum of money, or his rights or interests may be in any manner affected, shall, upon conviction, be punished by imprisonment in the penitentiary, not exceeding ten years.

Personating another in certain cases, how punished.

SEC. 23.—If any person shall unlawfully, willfully and maliciously, tear, cut, burn, or in any way whatever destroy, any will, deed or other instrument of writing, the falsely making, altering, forging or counterfeiting of which is herein before declared to be a punishable offence, [he] shall, on conviction, be punished by imprisonment in a county jail, not exceeding one year, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Tearing, cutting, burning, any will, &c., how punished.

SEC. 34.—Every person who shall aid or assist, abet, counsel, hire, or by any means procure any other person to commit any offence punishable under any of the preceding provisions of this article, shall be adjudged guilty of the

Aiding, &c., in committing offences herein specified, how punished.

Tools for counterfeiting, and counterfeit coin, to be seized, &c., and destroyed by order of court.

New section.

Disqualifications annexed to above offences.

same offence, in the same degree, and shall be punished in the same manner as for the committing the offence so aided, assisted, abetted, counselled, hired, or procured to be committed.

SEC. 35.—All machinery, plates, stamps, dies, tools, or other instrument or thing used, or instrument to be used in counterfeiting, and all counterfeits or imitations of any gold or silver coin, the counterfeiting of which is herein before declared to be an offence, and all forged, altered or counterfeit bank-notes, the forging, altering or counterfeiting of which is herein before declared to be an offence, shall be seized, and may be used on the trial as evidence, and then defaced and destroyed by order of court.

SEC. 36.—Every person who shall be convicted of any felony, punishable by the provisions of this article, shall be incompetent to be sworn as a witness or a juror, and forever disqualified from voting at any election, or holding any office of honor, trust or profit, within this State.

Approved 12/8/1855 ARTICLE V.

OF OFFENCES AFFECTING THE ADMINISTRATION OR EXECUTION OF JUSTICE.

- | | |
|---|--|
| <p>2 1. Perjury defined. 2. Its punishments. 3. Subornation of perjury. 4. Corrupt voluntary oath made a misdemeanor. 5. Punishment for subornation of perjury. 6. Attempt to procure perjury, how punished. 7. What sufficient in indictment for perjury. 8. What sufficient in indictment for subornation of perjury. 9. Bribing, &c., witnesses, &c., to withhold evidence, &c., how punished. 10. Jurors, arbitrators, &c., how punished for taking bribes. 11. Bribing, or attempting to bribe, jurors, arbitrators, &c., how punished. 12. Jurors guilty of certain improper conduct, how punished. 13. Attempting to influence jurors, arbitrators, &c., how punished. 14. Officers guilty of unfair conduct in summoning jurors, &c., how punished.</p> | <p>15. Compounding or concealing felonies, how punished. 16. Compounding, &c., misdemeanors, &c., how punished. 17. Conviction of principal not necessary in the trial of offences specified in two last sections. 18. Obstructing process in cases of felony, how punished. 19. Obstructing process in civil cases and misdemeanors, how punished. 20. To assault, &c., officers in discharge of official duty, how punished. 21. Rescuing prisoner, convicted of capital offence, how punished. 22. Rescuing prisoners charged with the same. 23. Rescuing prisoners charged or convicted of felonies not capital. 24. Rescuing prisoners charged or convicted of offences other than felony. 25. Attempt to rescue prisoner charged or convicted of felony, how punished.</p> |
|---|--|

First draft
See next T

Nov. 4, 1898

Reconstructing of ~~the~~ handwriting & the content
to replace in the scene.

May ~~24~~ 1873

[illegible]

Sept 2, 1877

Aug 11 1883

[illegible]

July 19, 1880

in this case to money in cash
effecting after state law (1921)
the expense of the institution cannot be the right of the
State of Missouri to one operation more than one bank
with no more than five branches approved as central
the maximum capital of the bank not to exceed
\$500,000 with the State following up to the
the right with any record for the State prior to be
substantiated.

Due 18/10/17

[illegible]

Jan 11 1877

modification
collection proceeds for loan office ~~trans~~ interest +
other moneys due the state.

Jan 23, 1829

~~Redemption of~~ Outstanding Loan Office Certificates and Audited
Warrants called for redemption.

Jan 23 1824

On May 1, 1829 all clerks shall turn over Office documents to the Circuit Attorney of such counties for disposition.

Jan 12. 1831

Land recommended by Loan Office to be sold for benefit of state.

Jan 12 1831

Debit to Loan Office can be settled for half of the amount due.

Jan 18, 1931

loan office certificates not presented for redemption by Jan 1, 1898 are barred

Dec 28. 1831.

Missouri legislative opposes veto by President Jackson of renewal of charter of the Bank of the United States on the ground of unconstitutionality.

Jan 4, 1833

~~These officers should be paid the same~~
these performing services for graduation of men officers to the grade

Feb 18, 1955

~~Official Certificate~~

~~Seven~~ \$5 denomination and one #1 denomination of Loan Office
Certificates expired for payment although barred. Three
\$5 denomination, two #3 denomination and one #6 denomination
(raised from \$6 to \$60) expired for payment although barred.
See schedule for each

(raised from \$6.00 to \$8.00) - price per person
Date of issue ~~\$5.00~~ plate letter and serial number detailed for each piece ~~\$5.00~~; ~~\$5.00~~

Ma. 16. 1835

One #11, one #3, one #1, a half section of #1 & a
 two 500 denominations. The certificates approved for payment
 although, same. Date of issue, price letter and serial
 number details for each piece.

Apr. 19, 1855

No person ^{or corporation} authorized by ^{the} Treasury shall put into circulation ~~any~~ or pass any circulating medium in lieu of money; except for notes of a denomination of \$10 or more issued by a bank authorized by the United States or any state, until ~~January~~ 1, 1857.

Feb. 2, 1837

the United States or any state, until January 1, 1857

The Bank of the State of Missouri incorporated with
\$500,000 capital, one half of which is reserved for the
State of Missouri as State stock, appoint the president and
6 of the 12 directors. Main office in St. Louis and
branches in ~~various~~ ^{other} parts of the State with other branches to be
added.
An agent shall be appointed by the ~~State~~ ^{board} president and
State directors with power to procure plates for currency
No currency is to be issued until after 75% of private
subscriptions was paid for in gold or silver. All currency is
to be signed by the president and the cashier

goal \$1,000,000
capital for 100 shares
subs. india

Not less than 100 ^{more than 12} branch agencies are to be established in counties where Xeno-
do not exist. ^{where circulation is} to be arranged ~~to~~ in New Orleans and in
Redemption of notes ~~to~~ in New Orleans. ^{and in}
Baltimore, Philadelphia, New York, the notes being payable at ~~any~~
in South where so demanded.

The denominations of circulating bill, ~~shall be~~ ^{may be} \$10, \$5, \$100
~~and \$500 and \$1000~~ but no bill of less than \$10 shall be issued.
 The amount of circulating currency ~~shall not~~ ^{shall} for the first four years
 shall not exceed ^{twice} the amount of paid in capital and thereafter
 three times such amount. If specie payments cease the
 charter is forfeited. The ^{branch} of the Commercial Bank of
 Cincinnati (Cincinnati Commercial Agency) ~~shall~~ ^{may be} ~~incorporated~~
~~by~~ ^{may be} ~~incorporated~~ for a

Feb 6, 1837

~~By June 1, 1837~~ ^{incorporated} immediately into the ~~Bank of Cincinnati~~
~~June 1, 1837~~ with the Commercial Bank of Cincinnati
~~Agency at St Louis~~ through an agency of ~~the same~~ ^{the same}
 No persons or corporations not authorized by the ~~same~~
 law shall not ~~conduct~~ ^{conduct} a banking ~~business~~ ^{business} or
 pass ~~any~~ ^{any} currency ~~except that~~ ^{except that} individuals may pass circulating currency of ~~any~~
 out of ~~State~~ ^{State} banks. This act is as to take effect immediately and
 to act except the ~~Comm~~ ^{Comm} of Bank of Cincinnati Agency, in
 St Louis which ~~shall~~ ^{shall} ~~be~~ ^{be} ~~in~~ ⁱⁿ ~~compliance~~ ^{compliance} with June 1, 1837 be comply.

Jan 17, 1839

Branch of the Bank of the State of Missouri to be
 organized at Palmyra, ^{this being its first branch}
 of ~~defined to be~~ ^{defined to be} ~~Bank of the State of Missouri~~
 Feb 8, 1839 ~~on payment of the~~ ^{on payment of the} ~~Bank stock~~
 subscribers by the State may be made payable in sterling
 francs or guilders.

Feb 12, 1839

Request of Missouri to issue bonds for capital for
~~the State of Missouri~~ ^{the State of Missouri} ~~to be~~ ^{to be} ~~issued by the Bank of the State~~
 of Missouri ~~for the State of Missouri~~ ^{for the State of Missouri} ~~at the Palmyra branch~~

Feb 12, 1839

8 1839 ~~providing~~ ^{providing} for bonds to finance the capital for
 the ~~State of Missouri~~ ^{State of Missouri} ~~to be~~ ^{to be} ~~issued by the Bank of the State~~
 shall be effective Feb. 15, 1839.

Feb 15, 1841

Permission ^{granted to the Bank of the State of Missouri} to establish
 a branch ^(not branches) and to eliminate requirement to
~~make~~ ^{make} ~~borrow money~~ ^{borrow money} ~~to make~~ ^{to make} \$1,000,000 in mortgage loans
 in each of ~~the~~ ^{the} ~~years~~ ^{years}.

Feb 6, 1841

The Bank of the State of Missouri ~~shall~~ ^{shall} establish ~~the~~
~~branch~~ ^{branch} ~~at~~ ^{at} ~~Jackson~~ ^{Jackson}, this being its third branch.

Feb 15 1841

The length of term of ~~the~~ ^{the} ~~office~~ ^{office} for the president and directors
 of the Jackson branch of the Bank of the State of Missouri is
 limited.

Jan 2, 1841

Reports from the parent and each branch of the Bank of the
 State of Missouri shall be submitted by the bank to the
 General Assembly of Missouri, ^{the Bank of the State of Missouri}
 Capital of \$50,000 to be furnished by parent bank to branch
 banks at Jackson.

Dec 28, 1842

Feb 6, 1843

The Bank of the State of Missouri shall establish a branch
 bank at Springfield, this being its fourth branch.

Feb 22, 1851

The March 26, 1845 Act is changed by permitting an exchange broker ~~not~~ to receive a circulating note less than a \$10 denomination, or of a suspended or non specie paying bank note or post note ~~for the~~ purpose of ~~sending them~~ ^{sending them} out of Missouri.

Jan 22, 1853

The Jackson branch of the Bank of the State of Missouri ~~is~~ shall be removed to Cape Girardeau within the same county.

Nov 23, 1855.

Money brokers ^{and} exchange dealers shall file ~~with~~ ^{shall} be licensed ~~and~~ ^{shall} pay a fee reports in the the county where they do business and pay a fee.

December 8, 1855

No person shall ~~put~~ ^{issue} any circulating medium in lieu of money. No person shall ~~or~~ pass or receive any circulating medium in lieu of money. No ~~bank~~ ^{bank or} corporation ^{money broker} exchange dealer shall pass or receive any circulating note under a \$5 denomination, or ~~except for the purpose of sending them out of the Missouri~~ from any suspended or non specie paying bank or an post note. No corporation other than the Bank of the State of Missouri shall engage in the banking business, by issuing notes or otherwise. No person partnership or corporation shall act as a joint ~~for~~ ^{agent for} ~~bank~~ ^{for} any incorporated or unincorporated bank outside of Missouri.

Dec 1

~~The corporate life~~ ^{is} of Banks of the State of Missouri extended from Feb 2, 1857 to Feb 2, 1861.

~~Jan 16, 1857~~

Mar 3, 1855

The General Assembly approved ^{an} ~~the~~ amendment to the Constitution of the State of Missouri providing for not to exceed ten banks of a specie paying banks with ^{aggregate} capital not to exceed \$20,000,000. The ~~the~~ amendment was ~~became~~ ^{was} effective adopted by the people on Jan. 16, 1857.

Mar 1857

Banks may be incorporated with \$1,000,000 or more in capital. They may issue circulating notes of the denomination of \$5, \$10, \$20, \$50, \$100, \$500 and \$1000 and no other. No ~~circulating bank notes~~ ⁱⁿ other than Missouri shall be received or paid out. ~~The Missouri bank notes shall be paid out except those receivable at par.~~ All ~~circulating~~ ^{circulating} notes shall be payable in specie. No circulating notes shall be issued in excess of two times the capital paid in ~~for the first year and~~ ^{for the first year and} one and one half times ~~thereafter for the next year and three times thereafter~~ ^{on hand at least to the extent of one-third of cash notes}.

Reports as to operations are to be published quarterly. Each bank of \$1,000,000 in capital shall have two branches and if over \$1,000,000 three branches, each branch to have \$100,000 in capital. Each branch shall have its own circulating notes.

Reports as to operations are to be published quarterly.

An Office of ~~the State~~ ^{to have an office in St Louis} and an Asset ~~Banking~~ ^{Commissioner} to be appointed by the State of Missouri. The Commissioner shall be in charge of circulating notes, causing ~~them~~ ^{plates} to be engraved and ~~circulating~~ ^{currency} notes printed and he shall retain the plates. ~~The~~ ^{He} shall number and register all ~~currency~~ ^{currency} notes. ~~The~~ ^{He} Banking Commissioner or his Assistant shall ~~commence~~ ^{commence} all

currency notes. All expenses of the Banking Commissioner shall be paid by the people equitably. The banks shall furnish reports on each January 1 of the year ending ~~the~~ ^{the} only 1 showing circulating notes on hand and in circulation. which shall have the words "Countersigned and Registered" on them.

He shall burn all mutilated notes returned ~~them~~ ^{to them} and issue new ones. He shall keep records of all notes delivered. He shall receive a fee of two cents for each circulating bank note delivered.

The Exchange Bank of St Louis is ~~incorporated~~ ^{incorporated} until December 31, 1885 with branches to be established at Glasgow and Neosho. (\$1,000,000 capital)

The Bank of St Louis is ~~incorporated~~ ^{incorporated} until December 31, 1884 with branches to be established at Keokuk and Booneville. (\$2,000,000 capital)

The Merchants Bank of St Louis is ~~incorporated~~ ^{incorporated} until December 31, 1885 with branches to be established at Brunswick, Osceola and Ste Genevieve. (\$2,000,000 capital)

The City Bank of St Louis is ~~incorporated~~ ^{incorporated} until December 31, 1885 with branches to be established at Kansas City, Columbia, Hannibal and Gallatin. (\$2,000,000 capital)

The Mechanics Bank (\$1,500,000 capital) is incorporated until December 31, 1884 with branches to be established at Warsaw, Weston and Fredericktown.

The Southern Bank of St Louis (\$1,000,000 capital) is incorporated until December 31, 1885 with branches at St Charles and Independence.

The Farmers Bank of Missouri (~~stock~~ ^{\$1,000,000 capital}) is incorporated
to operate in Lexington ~~with~~ ⁱⁿ ~~the~~ ^{the} until December 31, 1884, with branches
in Liberty and Paris.

The Western Bank of Missouri (\$1,000,000 capital) is incorporated in St. Joseph until December 31, 1893, with branches in Bloomington and Fulton.

The Bank of Commerce (#1,500,000 capital) is incorporated
to take over the Savings Institution and to have branches in Canton,
Savannah and New Madrid.

The Bank of the State of Missouri (~~a~~ #3,500,000 capital) is
reincorporated until December 31, 1887, and the ~~old~~ prior incorporation
is annulled. The ~~new~~ obligation to redeem ^{existing} circulating bank notes
shall end ~~on a date to be set by the bank.~~ Its branches are to
~~be closed on the 31st of December, 1887.~~ ^{existing} branches shall be ~~reestablished~~
~~by the newly incorporated bank at~~ ^{operated} by the newly incorporated bank at Palmyra, Fayette,
Springfield, Chillicothe, Cape Girardeau, Jefferson City,
and Louisiana ~~but no new branches~~ ^{branch} the Lexington branch shall
be closed and ~~the~~ ^{the} ~~new~~ ^{branch} ~~substituted~~ ^{substituted} for it.

Nov 5, 1857

Nov 5, 1857

Because of suspension of specie payment by Bank of the State of Missouri, the requirement to redeem bank notes in specie is waived until November 1, 1858 or those of the bank ~~Bank~~ and the Banking Commissioner ~~may~~ agree. All ~~bank~~ circulating Missouri bank notes may be ~~accepted~~ received, by the Bank of the State of ~~Missouri~~. No further circulating notes shall be delivered by the Banking Commissioner until specie payment is resumed. All bank notes put in circulation ~~then~~ ^{thereafter} are to be stamped with a distinguished mark, as in the Bank of the State of Missouri, Southern Bank of St Louis, Merchants Bank of St Louis, Farmers Bank of Missouri and Mechanics Bank of St Louis.

~~Nov 23~~ 23, 1857

23, 1857
The provisions of the Dec. 8, 1855 Act as to circulation of depreciated currency is waived as to circulation of any Missouri banks.

Nov 17, 1857

857 passing or circulating Missouri bank notes under
No penalties for receiving ~~them~~ the Dec. 3, 1855 Act.

Nov. 11, 1857 The ~~treasurers~~ ^{Managers} of the Bank of the State of Missouri shall receive additional circulating bank notes from the Banking Commissioner as an exception to the Nov. 5, 1857 Act.

Nov-16, 1857 The Farmers Bank of Masson shall receive additional
circulating bank notes as an exception to the Nov-5, 1857 Act

Nov 11, 1857

The Bank of St Louis and the Western Bank of Missouri may go into business with reduced requirements on capital ^{stock} payments.

Nov 10, 1857

The Mechanics Bank ~~may~~, the Bank of St Louis and its branches and the Western Bank of Missouri and its branches, circulatory notes of all Missouri banks

Nov 23, 1857

The Northern Bank of Missouri (\$1,000,000 capital) is incorporated until Dec 31, 1883 to operate at Hannibal with branches at Columbia, Hallatin and Canton, if the City Bank of St Louis does not commence business by Oct. 1, 1858.

Mar 12, 1859

Money Brokers and Exchange Dealers are prohibited from receiving any ~~bank~~ ^{non-Missouri paper} currency issued by any bank ~~or bank~~ ^{or bank} and may only receive ~~circulating~~ ^{circulating} notes of specie paying banks of Missouri. No such ~~circulating~~ ^{circulating} notes shall be received in Missouri. No ~~circulating~~ ^{circulating} notes of non-Missouri banks or bankers shall be received under \$5 denomination, unless sent out of the Missouri for ~~the~~ redemption.

Feb 18, 1859

~~of~~ Savings institutions, savings banks ^{or} ~~unincorporated~~ companies ~~engaged in banking~~ ^{engaged in banking} shall ~~not~~ ^{not} receive ~~or pay out~~ ^{or pay out} notes of non-Missouri banks or shall only receive ~~circulating~~ ^{circulating} notes of specie paying banks of Missouri ~~or specie~~.

Mar 2, 1859

The Northern Bank of Missouri (\$600,000 capital) is incorporated until Dec 31, 1883 to operate in Hannibal, and the Act of Nov. 23, 1857 is repealed, the City Bank of St Louis incorporation under Act of March 2, 1857 is repealed.

Feb 18, 1859

Western Bank of Missouri capital stock increased to \$1,500,000 and additional branches at Glasgow and Alexandria.

~~Feb~~

Jan 18, 1859

A ~~branch~~ ^{at Neosho} of the Exchange Bank of St Louis ~~at Columbia~~ is ~~cancelled~~ ^{substituted} for the branch at Neosho.

Mar 9, 1859

The branch at Pikesville of the Bank of St Louis ~~is to be~~ may be opened ~~within a year~~ after March 9, 1860.

March 14, 1859

Additional stock in the amount of \$86,300 in the Bank of the State of Missouri subscribed by ~~the~~ ^{the} Missouri.

- Due to the failure of the State Savings Institution to organize the (\$1,500,000 capital)
- ✓ Mar 2, 1859 The Union Bank of Missouri is incorporated until Dec 31, 1890 to operate in St Louis with branches at Lagrange, Milan, Richmond, Waversburg, Kansas City and Charleston.
- ✓ Mar 10, 1859 The Mechanics Bank of ~~St Louis~~ may add two more branches.
- ✓ Mar 14, 1859 The Exchange Bank may increase ~~its~~ the capital of its branch banks.
- ✓ March 1859 The Bank Commissioners receive an increase in salary.
- ✓ Feb 23, 1859 The Southern Bank of St Louis may increase its capital and establish ~~two~~ additional branches at Savannah and Gallatin.
- ✓ Feb 19, 1859 The Bank of the State of Missouri may change the branch to be established at Jefferson City to another ~~location~~ city. Two more branches may be added using ^{some} capital from the Louisiana and Cape Girardeau branches.
- ✓ Jan 14, 1860 The Mechanics Bank is allowed another year for raising capital.
- ✓ Dec 15, 1859 ~~Jan 14, 1860~~ The Alexandria branch of the Western Bank of Missouri is allowed three years more for raising capital.
- ✓ Jan 5, 1860 The Bank of St Louis and its branches are allowed until Sept. 1, 1862 to raise capital.
- ✓ Jan 10, 1860 The Richmond branch of the Union Bank of St Louis, ~~is~~ ^{as} allowed an additional three years ^{from the date it opened} to raise increased capital.
- ✓ Dec 14, 1859 The Glasgow branch of the Western Bank of Missouri ~~is~~ is allowed an additional three years from the date it opened to raise additional capital. The subscription for the Fulton branch stock shall be kept open.
- ✓ Dec 16, 1859 ~~The~~ A Bloomfield branch of the Mechanics Bank of St Louis is substituted for the Fredericktown branch.

✓ Mar 30, 18⁶⁰ ~~the~~ the Centon and St Joseph branches of the Bank of the State of Missouri are given until Jan 1, 1861 to raise additional capital.

✓ Mar 6, 1860 No literary corporation of Missouri shall have its charter forfeited for ~~not~~ ^{not} receiving or paying out paper currency less than \$5 denomination

✓ Mar 18, 1861 All 9 Missouri banks relieved of penalties until May 1, 1861 for failure to make specie payments on circulating notes. ~~The~~ ^{These} circulating notes of non-Missouri banks ~~of~~ ^{of} \$5 denomination or over are receivable by Missouri banks but cannot be paid out. No Missouri parent bank shall receive its branch ~~note~~ bank notes at a discount. The ~~note~~ circulating notes ~~that~~ distributed by the Banking Commissioner shall be stamped to distinguish them from previously issued notes. If any Missouri bank has more circulating notes ^{on hand or} outstanding than twice as much as capital stock of such bank, the excess shall be turned over to the Banking Commissioner and burned. No parent bank shall send its branches any notes to be put into circulation except notes of that branch. All notes furnished ^{by the Banking Commissioner} to any branch shall be payable at such branch. 7. The Mechanics Bank may establish a branch at Carthage ~~and~~ and Shelbyville. The Farmers Bank of Missouri may establish a branch at Neosho. ~~The Bank of St Louis may establish a branch~~ ^{at} stockholders of the Bank of St Louis are, if a majority consent, incorporated under the name of Bank of Commerce (\$1,000,000 capital) to operate in Boonville with branches in Kirksville, Versailles and St Louis and the Bank of St Louis if such consent is given shall be liquidated. All notes furnished to the parent bank shall be payable at the parent bank.

No savings institution, savings bank, banker, broker or exchange dealer or other person or the person or organization in the banking business shall pay out or put into circulation any circulating bank note except Missouri bank notes.

✓ March 8, 1861 The Southern Bank of St Louis is relieved of establishing a branch at Gallatin. Adjustments in ~~branch bank~~ the capital of the Southern Bank of St Louis and its branches and of the Farmers Bank are made.

✓ Mar 18, 1861

Richmond branch of do

An increase in the capital of the Union Bank of Missouri is ~~authorized~~ ^{is permissible} by transfer from the parent bank.

✓ May 15, 1861

~~The~~ Missouri banks are authorized to issue \$1, \$2 and \$3 denomination bank notes ~~in lieu of paper denomination~~ ^{in the aggregate of \$1,500,000 in} bill ^{in proportion to the paid in capital of} each bank, these ~~small denomination~~ ^{new denomination} notes may be in addition to the ~~two~~ for one ratio provided for in the Act of Mar 8, 1861. These new denomination notes ~~are to be retired from circulation~~ ^{need not be retired from circulation} one year after specie payments ~~are~~ ^{are} resumed. They ~~and~~ shall be exchanged for \$5 and greater denominations by the Banking Commission. Specie payments ^{of bank notes} delayed until Jan 1, 1863 for banks issuing the new denomination notes.

✓ May 13, 1861

The City of St Louis is authorized to issue \$200,000 in City Treasury Warrants in denominations of \$1, \$2 and \$3 to pay debts. Three commissioners are appointed to ~~sign~~ ^{provide} such notes, ~~and~~ which are to be signed by one commissioner. The City Treasury Warrants shall be received for ~~city taxes~~ ^{St Louis city taxes and} ~~and~~ can be accepted by ~~treasuries~~ ^{savings and banking institutions} without penalty.

✓ Nov 1, 1861

^{of Missouri met}
The Rebel Legislature ~~meeting~~ at Cassville, ~~Charlottesville~~ moved from Neosho and passed ^{authorizing \$10,000,000 to be spent} an Act for repelling invasion and maintaining Missouri sovereignty. The expenditure was to be paid for with \$1 ~~to~~ ^{denomination} \$500 ~~to~~ ^{Defence Bonds} due 3, 5 ~~or~~ ^{or} 7 years. ^{Missouri} Defence Bonds of \$5 ~~and~~ ^{or} more are to bear 10% interest, William Shields, Thomas H. Murray and Henry W. Lyday are appointed commissioners. ~~Defence Bonds~~ ^{Missouri} are to be ~~countered~~ ^{by the Governor or Treasurer (vacant)}. The Missouri Defence Bonds are to be transported to Missouri by the Quartermaster General.

✓ Feb 25, 1863 In Grundy and Sullivan Counties only, the ^{Act} provisions of the Dec. 8, 1855 prohibiting any person from issuing or circulating notes in lieu of money is suspended until May 1, 1863.

✓ Mar 9, 1863 To pay the Enrolled Missouri Militia up to ^{one year} \$3,000,000 in Union Military Bonds bearing 6% interest shall be issued in denominations of \$1, \$3, \$5, \$10 and \$20. The Treasurer and Auditor shall select devices to prevent counterfeiting. The Auditor shall countersign ~~the notes~~ them. on strong bank note paper of usual bank note size.

Secretary of State shall sign ~~them~~ and the ^{Text} form is provided, the Missouri Defence Bonds when redeemed shall be cancelled and preserved by the Treasurer. They shall be receivable by banks, savings institutions, ^{or pass companies} other corporations. Counterfeiting is punishable ~~as~~ the same as a ~~bank~~ bank note.

✓ Mar 17, 1863 Clarksville, Prairieville & Payneville Plank or Macadamized Road Company may issue \$15,000 in ~~denominations~~ not exceeding \$2, ^{redeemable} ~~redeemable~~ ^{assessable} ~~usable~~ for toll and redeemable in sums ^{of} \$5.

✓ March 23, 1863 The City of St Louis commissioners, named under the May 13, 1861 ^(Ordinance) are removed and are replaced by the City Comptroller and City Treasurer of St Louis. A full accounting was ordered as to past issuance, the plates ~~and~~ ^{of the returned} and unissued City Treasury Warrants ^{issued there}. All mutilated warrants are to be replaced, ~~the~~ ^{City Treasury Warrants}. An additional \$300,000 ^{may} ~~be~~ ^{be} issued.

✓ Feb 18, 1863 ^{purs to Feb 1, 1865} The City of Louisiana may issue \$15,000 in City Treasury Warrants of denominations not exceeding \$2 signed by the Mayor and Treasurer.

- ✓ Mar 17, 1863 The Counties of Perry, Pope, Garrettsville and Ste Genevieve are each permitted to issue \$10,000 in County Treasury Warrants in denominations of 5¢, 10¢, 25¢, 50¢, \$1, \$2 and \$3 receivable for taxes.
- ✓ Mar 23, 1863 The Act of Dec. 8, 1855, as to ^{autographic} charter forfeiture for illegal business repealed as a defence against claims.
- ✓ Mar 23, 1863 The Brunswick branch of Merchants Bank of St Louis is capitalized at \$200,000. Due to Civil War plundering between Sept. 30, 1861 and Nov 14, 1861 the Osceola branch of the Merchants Bank of St Louis ~~was~~ destroyed and ~~the business and records of the~~ the parent bank is to redeem ~~its notes~~ ^{the requirement} to operate the Osceola branch is ~~repealed~~.
- ✓ Mar 23, 1863 The Warrensburg branch of the Union Bank of Missouri may close until it is prudent to reopen.
- ✓ Mar 21, 1863 U.S. Legal Tender Notes, ~~and~~ U.S. postal currency and National Bank Notes may be accepted by the Exchange Bank of Missouri and its branches. The Exchange Bank of Missouri may liquidate any of its branches.
- ✓ Mar 23, 1863 The Bank Commissioners shall not take action against any Missouri ~~or~~ bank for any ^{bank's} violation until Nov 20, 1863.
- ✓ Mar 21, 1863 U.S. Legal Tender Treasury Notes and Postage Currency (not to exceed \$5) are to be accepted by Tax collectors in Missouri until Jan 1, 1865.
- ✓ Mar 21, 1863 For signing, numbering and registering Union Military Bonds ~~the Senate~~ a joint resolution authorizing up to \$500 for the Secretary of State and the Auditor of Public Accounts to conform to the changes in the National Bank Act ^{may be made} Missouri banks ~~may~~ liquidate by July 1, 1864 ~~and~~ if they so determine shall cease business when a national bank opens in the place or places where ~~their~~ ^{and} their banks are, but by July 1, 1864 or ~~July 1, 1865~~ ^{requested}.
- ✓ Feb 12, 1864 Redemption of circulating bank notes shall be ~~continued~~ ^{requested} within one year and shall be barred after three years.

Continued

✓ Feb 12, 1864

If a Missouri bank becomes a National Bank
the ^{Missouri} Banking Commissioner shall destroy all
all that bank's ~~Missouri bank notes, plates, and dies and burn~~
~~all that bank's~~ ~~Missouri bank notes~~ ~~in the~~ ~~on hand at each~~
~~Missouri bank~~

1

✓ Feb 10, 1864

Any bank, savings institution, savings ~~for~~
association or other corporations in the banking
business may become a National Bank
~~as~~ pursuant to Federal law.

Feb 15, 1864

~~An individual stockholder of any~~
~~any~~ organization becoming a National
Bank under the Feb 10, 1864 Act ~~may not~~
~~thereafter~~ shall not be construed to have

✓ Feb 10, 1864

All banks, savings institutions, savings associations
corporations, brokers exchange dealers or any
one doing a banking business may receive
and use U.S. notes, fractional currency and
National Currency

✓ Feb 15, 1864

Any branch of a Missouri bank may
liquidate independently ^{and} after redemption
of its circulating notes, etc and after two
years all ~~claims~~ ^{redemption} shall be barred.

✓ Feb 10, 1864

Bank directors ~~and~~ ^{in liquidation} and officers of Missouri
banks ~~may~~ ~~work~~ for other banks.

✓ Dec 19, 1863

Redemption of Union Military Bonds shall
be made at the Bank of the State of Missouri
at St Louis in the order of their issue. Collectors
of Revenue ~~shall~~ ^{may} receive ~~state~~ ^{draft} taxes for 1864 and
prior ~~to 1864~~ ⁱⁿ Union Military Bonds.

✓ Feb 15, 1864

~~For collectors~~
Union Military Bonds ~~are~~ are authorized to
receive all delinquent taxes due the state
in Union Military Bonds.

EPN:GH

December 29, 1937.

JOURNAL OF THE SENATE, EXTRA SESSION OF
THE REBEL LEGISLATURE OF MISSOURI BEGUN
OCTOBER 21, 1861 AND ENDED NOVEMBER 7, 1861,
HELD AT NEOSHO, NEWTON COUNTY, MISSOURI.

An act to provide for the defense of the State of Missouri (approved November 5, 1861) defense bonds was authorized in the amount of \$10,000,000 payable in three, five and seven years after date of issue in sums not less than \$1.00 or greater than \$500.00, and all bonds of \$5.00 or over shall bear 10% interest. The commissioners who were to sign the bonds were William Shields, Thomas H. Murray and Henry W. Lyday. The defense bonds are receivable in payment of all sums due the State of Missouri.

An act declaring the State of Missouri an independent republic was passed on October 28, 1861.

An act by which Missouri joined the Confederate States of America was passed by the Missouri Legislature October 28, 1861. The Confederate States of America had on August 20, 1861 provided for the admission of Missouri as a Confederate State.

The issue of money dated January 1, 1862 contains 10% interest on the bills of the denominations of Five, Ten and Twenty Dollars and seems to be issued in accordance with the same act providing for the defense bonds.

Under the provisional constitution of the Confederate States, no State could ~~emit~~ bills of credit but under the permanent constitution of the Confederate States, which Missouri adopted by becoming one of them, no State could coin money or make anything but gold and silver tender for debts, but could not prevent the issuance of bills of credit by a State. The One, Two and Three Dollar denominations of the State of Missouri notes do not bear interest and conform as to countersigning, etc., to the Defense Bond Act.

The reason for the ^{unissued original} denominations of the Missouri Defense Bonds as \$1, \$3, \$4 and \$4.50 seems to be that they did not wish them to bear 10% interest and wanted to make bills as near \$5.00 as possible, and bills which would enable them to circulate in place of fractional coin, since

fractional coin was hoarded and fractional paper money was not authorized. The requisitions for Missouri Defense Bonds of denominations of \$20, \$50 and \$100 are not described, but we must conclude that their use is as their face indicates. It is obvious that no Missouri defense bonds or requisitions were issued in the denominations of \$5 and \$10 because such bonds would bear interest.

November 25, 1938.

AN ACT FOR THE RELIEF OF THE CITY OF ST. LOUIS

Approved May 13, 1861

Called session of the 21st General Assembly,
page 68.

"§ 1. The charter of the said city is hereby amended so as to authorize the issue, in the manner and under the restrictions hereinafter contained, of an amount not exceeding two hundred thousand dollars of City Treasury warrants, to pay the current debts of the city to contractors and others who have accounts allowed against it, said warrants to be in such form as may be determined by the Commissioners hereinafter named.

"§ 2. The said warrants shall be in denominations of one, two and three dollars, and shall be receivable for taxes and license payable to said city.

"§ 3. James H. Lucas, Louis C. Garrier and D. H. Armstrong are hereby appointed Commissioners to provide and also to issue the said warrants, and which warrants shall be signed by one of them to be designated by themselves for that purpose, and the same shall only be issued by them to the Treasurer for the payment of such amounts as shall be duly audited and certified by the proper officers of said City, and on the written affirmation of the Mayor and Comptroller thereof.

"§ 6. At stated periods, to be determined by the Commissioners, the said Treasurer shall pay over to the Commissioners all the city warrants so issued which may be in his possession, and take their receipt for the same; and the Commissioners shall at once, in the presence of the Mayor and Comptroller, proceed to destroy the same, first having taken a complete account of such warrants.

"§ 7. The banks, savings institutions, associations and bankers, of this State, may, if they deem proper, receive and pay out all such city warrants without being subject to the penalties of any law of this State in regard to the circulation of notes under five dollars."